

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

APPLICANT: Tina J. Dorsey

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0230-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: February 20, 2025

PREPARED BY: Joan A. Jenkins
Planner III



REQUEST

The applicant is requesting a variance to allow an accessory structure (detached carport) with less setbacks than required and located in the front yard of a nonwaterfront lot on property located at 3639 Fontron Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has an area of approximately 11,500 square feet and is located with 103 feet of road frontage on the northeast side of Fontron Drive, southeast of Bayview Drive. The site is known as Lots 226 & 227 on Tax Map 60, Grid 4, on Parcel 27 of the Selby Heights subdivision. This property is zoned R5-Residential District and is a nonwaterfront lot outside of the critical area. It is improved with an existing dwelling, a shed that is nonconforming to setbacks, a gazebo, and associated improvements. The property is served by a private well and septic system.

PROPOSAL

The applicant seeks to construct a detached carport (20 feet wide by 20 feet deep).

REQUESTED VARIANCE

§18-4-601 of the Anne Arundel County Code requires that an accessory structure in an R5 District shall be set back a minimum of seven feet from the side lot line and 40 feet from the front lot line. The proposed carport will be located as close as 2 feet from the northwest side lot line requiring a variance of 5 feet and will be located 24 feet from the front lot line requiring a variance of 16 feet.

§18-2-204 (b) of the Anne Arundel County Zoning Ordinance proscribes the location of an accessory structure in the front yard of a non-waterfront lot. As proposed, a locational variance is required for the detached carport.

FINDINGS

This nearly rectangular-shaped property is both wide and large regarding the requirements for the R5 District. According to State Tax Assessment records the house was built in 1965. This is a developed lot where the location of the existing structure in the center of the lot and improvements, such as a fence surrounding the side and rear yards, and mature trees, presents a bit of difficulty in developing the lot to the side without a variance.

A review of the County 2024 aerial photograph and a walk through the neighborhood via Google streetview reveals that there are three other properties with either detached carports or garages. The neighboring property at 3635 Fontron Drive, next door, has a single-car detached garage and the property at 3629 Fontron Drive has a wide 22' carport with enclosed sides. The property at 3601 has an open 2-car detached carport in the front yard that appears to meet the 7' setback requirement. Aerial photos show that this carport has been in existence since sometime between 2002 and 2005. Newer homes appear to have integrated or attached garages or carports, but the older, single story homes do not. This Office did not conduct a permit review regarding any structures.

The applicants write that the need for the carport arises from the desire to shelter vehicles from the effects of tree sap dropping on cars. They have described the property and the location of trees and fences that preclude any other location on the site. They have described the carport as open sided and write that it will be white to blend with the aesthetic of the home.

There have been no variances discovered in the neighborhood for accessory structures with setback variances or in the front yard.

The **Health Department** commented that they have reviewed the well water supply system and determined that the proposed request does not adversely affect the system. Therefore, they have no objection to the request.

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 exceeds the zoning bulk regulations, there is nothing unique about the lot, and the lot has been developed with a dwelling.

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 and a detached garage. The adjacent neighbor has written a letter in support of the variance. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

However, approval of the variance may alter the essential character of the neighborhood not only because carports are not necessarily common in the area, but also because approval of the variance would set a precedent of structures within the setbacks in the neighborhood and located in the front yard. The proposed carport would be 3' from the neighboring property line at its widest distance from the lot line and 2 feet at its closest distance.¹ While 3 feet is enough distance for construction and maintenance of the structure entirely on the subject property, this Office does not support structures closer than 3 feet.

This Office discovered that trees dripping sap typically have an underlying cause of insect infestations or disease. Control of the pests by pruning heavily infested branches and promoting overall tree health can also reduce sap dripping. While perhaps not an ideal solution, a removable car cover could also be used to protect vehicles from tree sap. The property is large enough to accommodate a carport without a variance and not in the front yard. As the variance request is unwarranted, the 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 ***denial*** of the variance for a detached carport.

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.

¹ The site plan shows the 3' distance but not the 2' distance. If the request is approved, the building permit site plan should indicate the 2' distance.

SITE PLAN

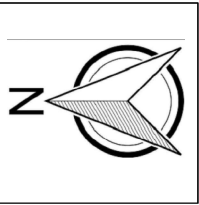
3639 Fontron Dr

Edgewater, MD 21037

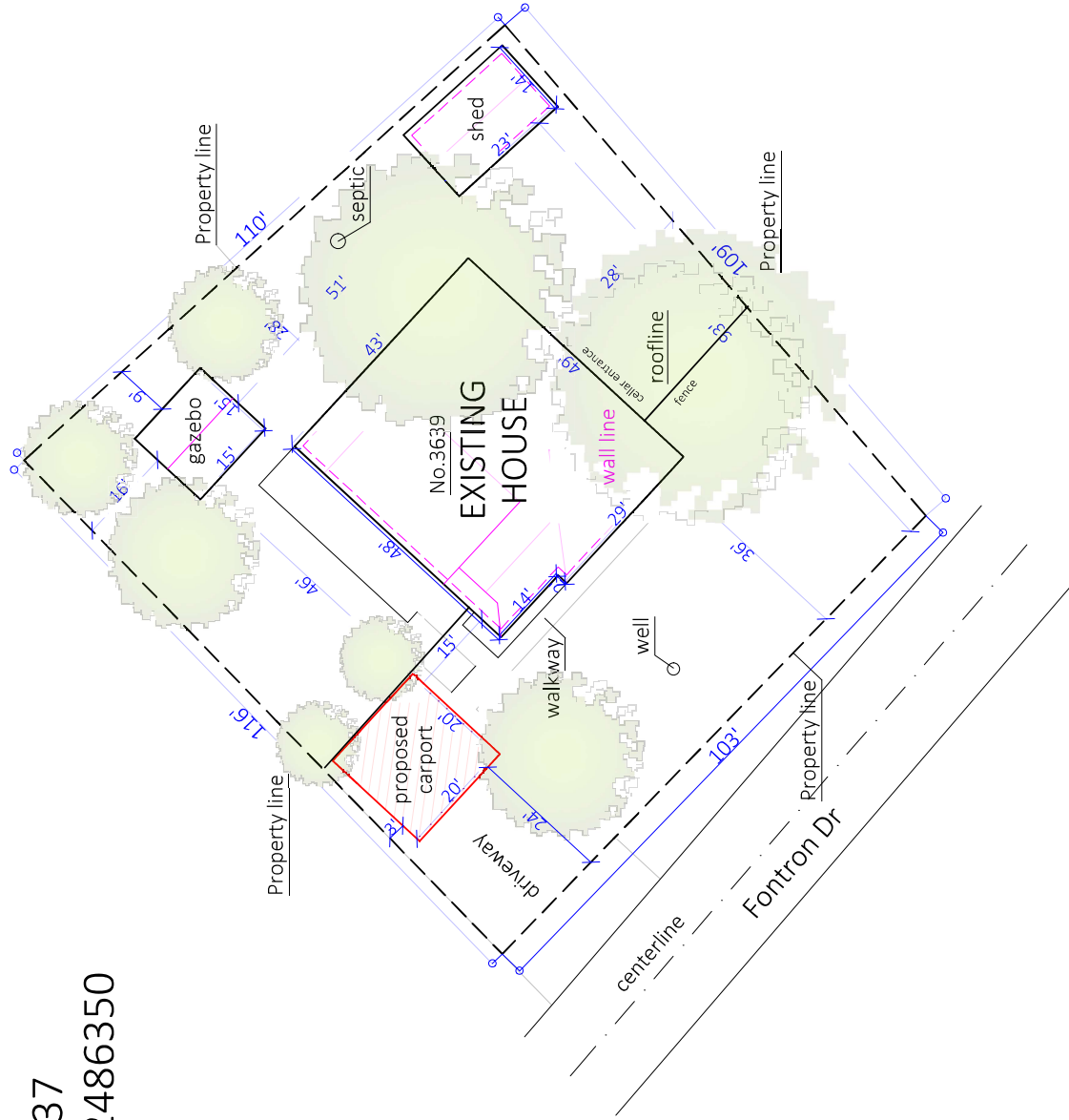
Parcel ID: 01-748-02486350

Lot area: 0.26 Acres

Paper Size: 11"x17"



scale 1"=20'



Tina J. Dorsey
3639 Fontron Dr
Edgewater, MD 21037
tndrsy@yahoo.com
812-480-5106

December 16, 2024

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

Subject: Petition for Variance to Place Accessory Structure Less Than 7 Feet from Property Boundary for 3639 Fontron Dr. Edgewater, MD.

I am writing to formally request a variance from the Anne Arundel County zoning regulations to allow the placement of an accessory structure (open sided steel carport) on the driveway of my property located at 3639 Fontron Dr less than 7 feet from the property boundary of the neighboring residence of Mr. Mark Engel at 3635 Fontron Dr.

I am petitioning for the proposed carport to be centered on the back of the existing driveway allowing as much distance from the property line as possible. The specific location has been chosen due to it being the best option on the property. I was unable to find a plat for the property or subdivision, and the oldest map images I could find on your website that were clear enough to view, were from 1990 and 1995 and the driveway was in the same location on those images which I have included in my package.

The proposed carport is a 20 x 20 structure on a driveway that is 24 feet wide at its narrowest point where it will allow for a 2 foot boundary, but it gradually widens to allow a 3 foot boundary towards the front of the structure. The structure will be open sided to be as least obstructive as possible and will be white to blend with the aesthetic of the home and will be maintained to be visually pleasing from the street.

Along the front of the house there is a fence which would have to be removed to re-locate the carport to any other location. On the left street facing side where the driveway already exists, there is a stone planter that lines the driveway in an L shape at the back in front of the fence that is original to the house. Also, there are two trees behind the driveway and a stone patio off the side entry of the house which put a substantial burden on me as the homeowner to move the carport to a spot allowing a 7 ft clearance from the property line on that side. On the right side of the house, there are also two trees, behind the fence and a substantial row of mature bushes along the fence line. In addition to this, that side of the house has cellar door type access to the crawl space and the oil tank which would preclude the carport from being located on that side without substantial burden and cost. My street is known for the beautiful old cherry trees that line it, one of which is in

my front yard. The trees on my property enhance the aesthetic and provide habitat for numerous squirrels and birds, I believe they should remain intact. I am in need of the carport because sap from the trees has damaged my new car which is going to require me to get it repainted at a significant cost.

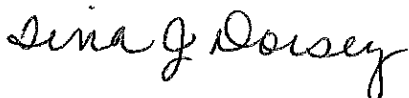
I understand that the current zoning regulations require a minimum setback of 7 feet from the property boundary. However, I believe that granting this variance will not adversely affect the surrounding properties or the overall character of the neighborhood. The proposed structure will be professionally installed and open sided. It will be situated at the back of the driveway under the trees where it will be the least obstructive. There are other such structures in the neighborhood in similar locations although perhaps within the required boundaries. I have discussed my desire to install the carport with my neighbor, Mark Engel, who has lived at this location for many years (although recently purchased from his mother-in-law) and he has no objection to the project, or the chosen location and he is aware of that I am seeking a variance from the existing zoning regulations. Mr. Engle has graciously provided a letter in support of my accessory structure which I have included in my documentation.

In support of this petition, I have included the following documents:

1. A detailed site plan showing the proposed location of the accessory dwelling structure.
2. A copy of the deed.
3. A Letter of support from the adjacent property owner.
4. Images of the property from both 1990, 1995 and current showing the location of the driveway.
5. Front images of Left and Right side of property
6. A mailing list of all property owners within 300 feet of my property.

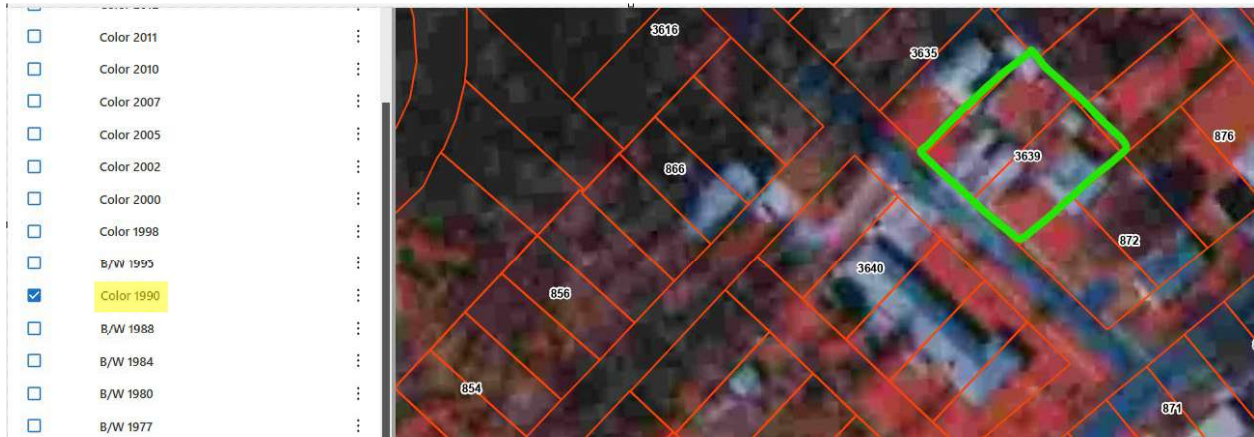
I respectfully request that the Office of Planning and Zoning consider this petition favorably. I am available to discuss this request further and provide any additional information that may be required. Thank you for your time and consideration.

Sincerely,



Tina J. Dorsey

Images of 3639 Fontron Dr from 1995 and 1990 showing driveway was there in those years.





Current overhead image of 3639 Fontron Dr

December 11, 2024

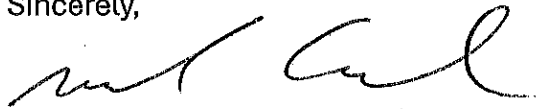
Mark Engel

3635 Fontron Dr

Edgewater MD, 21037

I am writing to confirm that I am aware that my neighbor Tina Dorsey, whose property is adjacent to mine, is requesting a permit to add a carport to her driveway which will not be the required 7ft from the property line. I am aware that the carport would be placed directly on the back of the existing driveway and I would like to officially go on record to say that I have no objection to the carport being placed in this location regardless of its position and distance from the property line.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Engel', written in a cursive style.

Mark Engel

Markgoinghunting@yahoo.com

410-693-4841

Cc: Tina Dorsey

3639 Fontron Dr.

Edgewater, MD 21027



Left side of house street facing



Right side of house street facing



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

DATE: December 20, 2024

RE: Tina J. Dorsey
3639 Fontron Drive
Edgewater, MD 21037

NUMBER: 2024-0230-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (carport) with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. 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



3640 Fontron Dr
Edgewater, Maryland
View on Google Maps

Google

Keyboard shortcuts © 2025 Google - Image Date: July 2022 Terms Rep

2024-0230-V



Legend

- Foundation:
- Addressing:
- Parcels:
- Parcels - Annapolis City:
- Planning:
- County Planning:



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.

