

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

**APPLICANT:** William McWhirter & Angela Ryan

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2025-0005-V

**COUNCIL DISTRICT:** 7

**HEARING DATE:** March 11, 2025

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicant is requesting a variance to allow a dwelling addition (sunroom) with less setbacks than required on property located at 1515 Farlow Avenue in Crofton.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 9,174 square feet of land, is located on the west side of Farlow Avenue, and is identified as Lot 360 in Section 4 on Plat 6 of the Crofton subdivision, Parcel 190 in Grid 7 on Tax Map 43. The property is zoned R5 – Residential District, and does not lie within the Chesapeake Bay Critical Area. It is improved with a one-story dwelling and associated facilities.

**PROPOSAL**

The applicant proposes to construct a sunroom (12'-4" x 14'-8", one-story) on the rear of the dwelling.

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R5 District shall be set back a minimum of 20 feet from the rear lot line. The proposed sunroom would be constructed as close as 13 feet to the rear lot line, necessitating a variance of 7 feet.

**FINDINGS**

The subject property is rectangular in shape and exceeds the minimum lot size of 7,000 square feet and the minimum lot width of 60 feet for lots in the R5 District. A review of the County's aerial photography shows that the dwellings in this neighborhood had been generally developed in line with each other, with smaller front yards and larger backyards. However, the subject dwelling sits back on the lot, closer to the rear lot line.

The existing coverage by structures is approximately 2,450 square feet. The proposed post-construction coverage by structures is approximately 2,630 square feet, which is below the 40% (3,669.6 square feet) maximum coverage by structures allowed under § 18-4-701.

Building permit B02432702, to construct a sunroom on a crawlspace with a landing and steps to grade, was submitted on December 24, 2024. Variance approval must be obtained prior to the permit being issued.

The applicants' letter explains that the sunroom is needed for additional living space, and will be constructed where an existing exit door and patio are located on the rear of the house. The applicants believe that because the rear neighbor has a larger back yard that there will be no detrimental effect to the adjacent neighbor.

### Agency Comments

The **Health Department** noted that the property is served by public water and sewer facilities, and has no objection to the request.

### Variance Criteria

For the granting of a 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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the existing dwelling had been designed to take up the bulk of the property between the front and rear setbacks, and as a result, at almost 2,000 square feet, is relatively large for a single story dwelling. Although the size and location of the house limits the possibilities for first floor expansion, additional living space could be provided by second floor additions without the need for a variance. A sunroom addition over an existing patio would be a convenience, rather than a necessity, and would therefore not be considered a hardship that warrants a variance. The applicants already enjoy reasonable and significant use of their property, and would not be prevented from continuing to use their property without the variance.

The size of the adjacent yards plays no part in this variance request, because those owners have the right to expand their dwellings or improve their properties up to their own setbacks. Encroaching into a setback to construct a sunroom may alter the essential character of the neighborhood or district in which the lot is located, may substantially impair the appropriate use or development of adjacent property, and may be detrimental to the public welfare.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, as proposed, this Office recommends *denial* of a zoning variance to § 18-4-701 to allow a dwelling addition with less setbacks than required.

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 Title Group, LLC



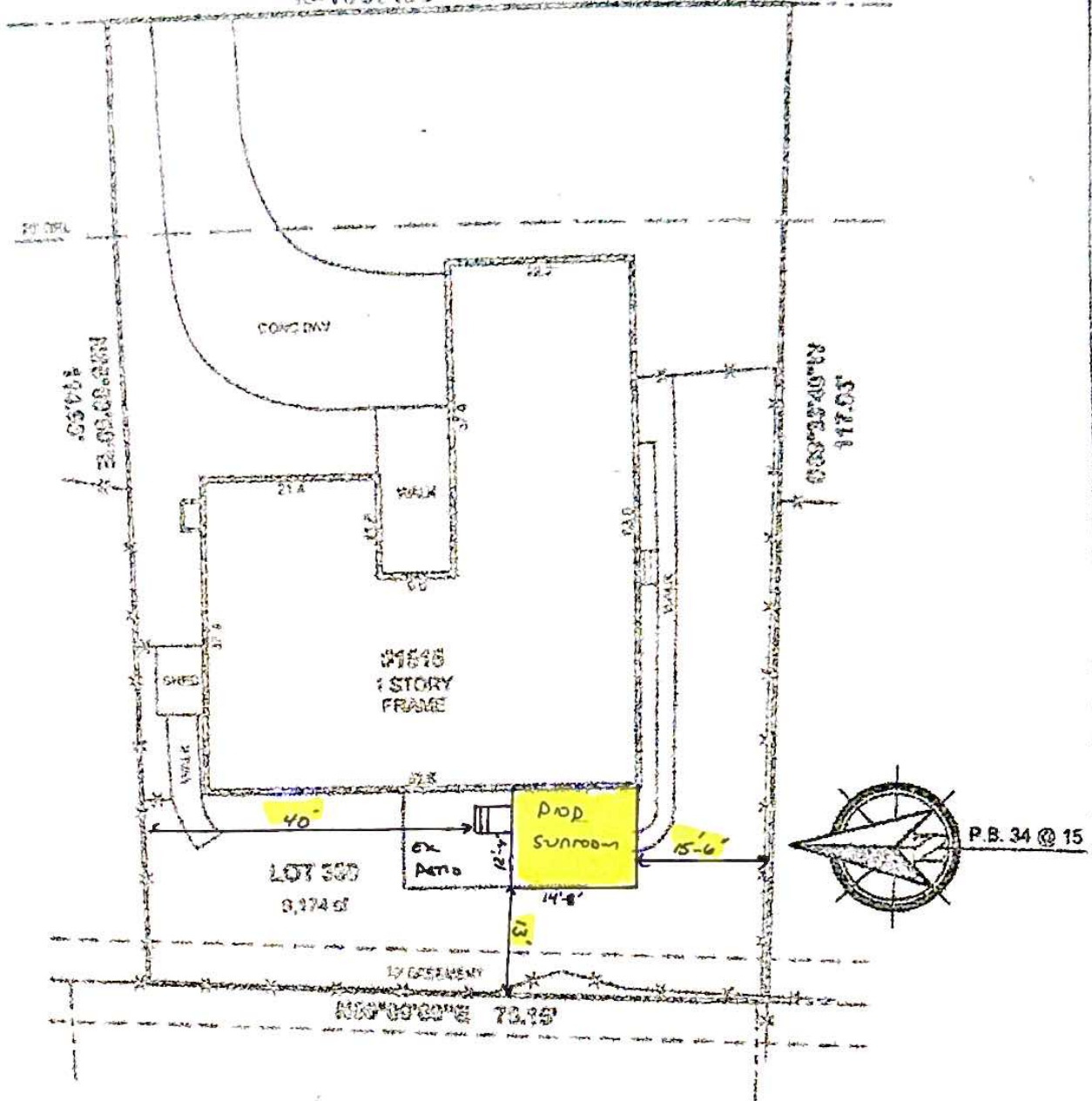
Aidan Surlis  
1166 Maryland Route 3 S  
Gaithersburg, MD 20878  
443-993-0159



CASE #: 23-4540

**FARLOW AVENUE**

R=1300.00' A=02.00'



LOCATION DRAWING OF:

**#1515 FARLOW AVENUE  
LOT 360**

SECTION FOUR - PLAT SIX  
CROFTON  
PLAT BOOK 34, PLAT 15

ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20' DATE: 02-24-2023

DRAWN BY: AP FILE #: 231318-703

LEGEND:

- R- FENCE
- BE- BASEMENT ENTRANCE
- BN- BAY WINDOW
- BR- BRICK
- DR- BLDG. RESTRICTION LINE
- DC- DASHED
- CS- CONCRETE DRIVEWAY
- CO- CONCRETE
- EX- EXISTING
- TR- TRAIL
- MG- MISC.
- ME- MISC. ENCLOSURE
- NO- NOW OR FORMERLY
- OH- OUTPOST
- PL- PUBLIC UTILITY COURT
- PI- PUBLIC IMPROVEMENT EDP.

COLOR KEY:

- Red - RECORD ENCLOSURES
- Blue - EASEMENTS
- Green - CONVEYANCE

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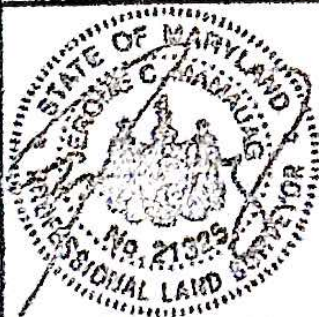
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WILL GIVE YOU A 100%  
FULL CREDIT TOWARDS  
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SURVEY TO A  
'BOUNDARY/STAKE'  
SURVEY FOR ONE  
YEAR FROM THE DATE  
OF THIS SURVEY

(EXCLUDING D.C. & BALT. CITY)



## **Letter of Explanation**

The applicant is requesting a setback variance to allow a proposed 12'-4" x 14'-8" single story sunroom addition to be constructed on the rear of the existing residential single-family dwelling located at 1515 Farlow Avenue, Crofton Maryland 21114. The proposed sunroom will be on the rear of the dwelling and will result in a 13' setback to the rear property line. While the sunroom will meet the required side and front setbacks, the required rear setback is a minimum of 25', and thus will require a 12' variance. This information was obtained from the zoning reviewer comments upon applying for building permit B02432702.

The sunroom will be constructed where an existing exit door is on the rear of the house. There will be a small landing with steps down to an existing patio. The sunroom will remain below the peak of the existing home and the only variance needed is for the rear setback. The sunroom is very modest in nature, at less than 180 square feet. Still, the room is desperately needed for the additional living space for the applicants.

The lot is very small for the existing dwelling, at only 9,174 square feet (.21 acres). Because this lot is so small for the house, the existing dwelling is built essentially right at the rear setback. In other words, because of positioning this house on this diminutive lot, there is not even one foot available to construct something that would not require a variance.

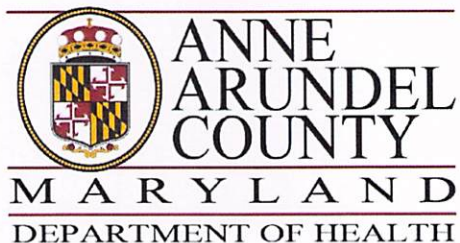
It should be noted that the adjacent property directly to the rear of this subject property is a much smaller house with much more distance between the rear façade of that dwelling, and the common shared rear property line. Thus, when the 13' from the proposed sunroom is added to the 35+' to this adjacent property, it becomes clear that there is no detrimental affect to the adjacent neighbor. That address is 1518 Crofton Parkway.

To address the standards for granting a variance per 3-1-207, the applicant does in fact allege that practical difficulties and undue hardships prevent carrying out the strict letter of that article. It has already been shown that the unique physical consideration of small size and exceptional shallowness of the lot exists. This is primarily due to the house size and positioning that does not allow for ANY enclosed improvement in the rear without a variance application as the house is built right to the setback. Because of this, there is not only no reasonable possibility of developing the lot in conformance with Article 18 of the Code, there is truly no possibility.

Furthermore, because of these exceptional circumstances which are not financial in nature, the granting of this variance is necessary to avoid the practical difficulty of expanding living space on the house in a location that would not require the relief. The door already exists in this location and the sunroom is small in nature. An undue hardship would exist if the variance would not be approved in that this applicant would be denied a right enjoyed by nearly every other owner.

Due to the size of the proposed sunroom, and the fact the house is built to the required setback, this variance is in fact the minimum necessary to afford relief. The granting of the variance will not alter the essential character of the neighborhood or district which this lot is located in any way. The proposed sunroom is similar to many other similar structures on similar properties. It will not impair the appropriate use of the existing adjacent property. As stated, that property has an existing house that is smaller and further from the rear property line. No affect will occur. The sunroom will not reduce forest cover in any way as no vegetation needs to be removed, despite the fact that this property is NOT in the critical area. And this structure will not be contrary to acceptable clearing practices because as stated, no clearing is needed.

For the reasons contained herein, we trust you will find that all requirements have been met to approve the requested variance, and that the circumstances that exist with this request epitomize the very reason the variance process exists.




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: January 16, 2025

RE: William Mcwhirter  
1515 Farlow Avenue  
Crofton, MD 21114

NUMBER: 2025-0005-V

SUBJECT: Variance/Special Exception/Rezoning

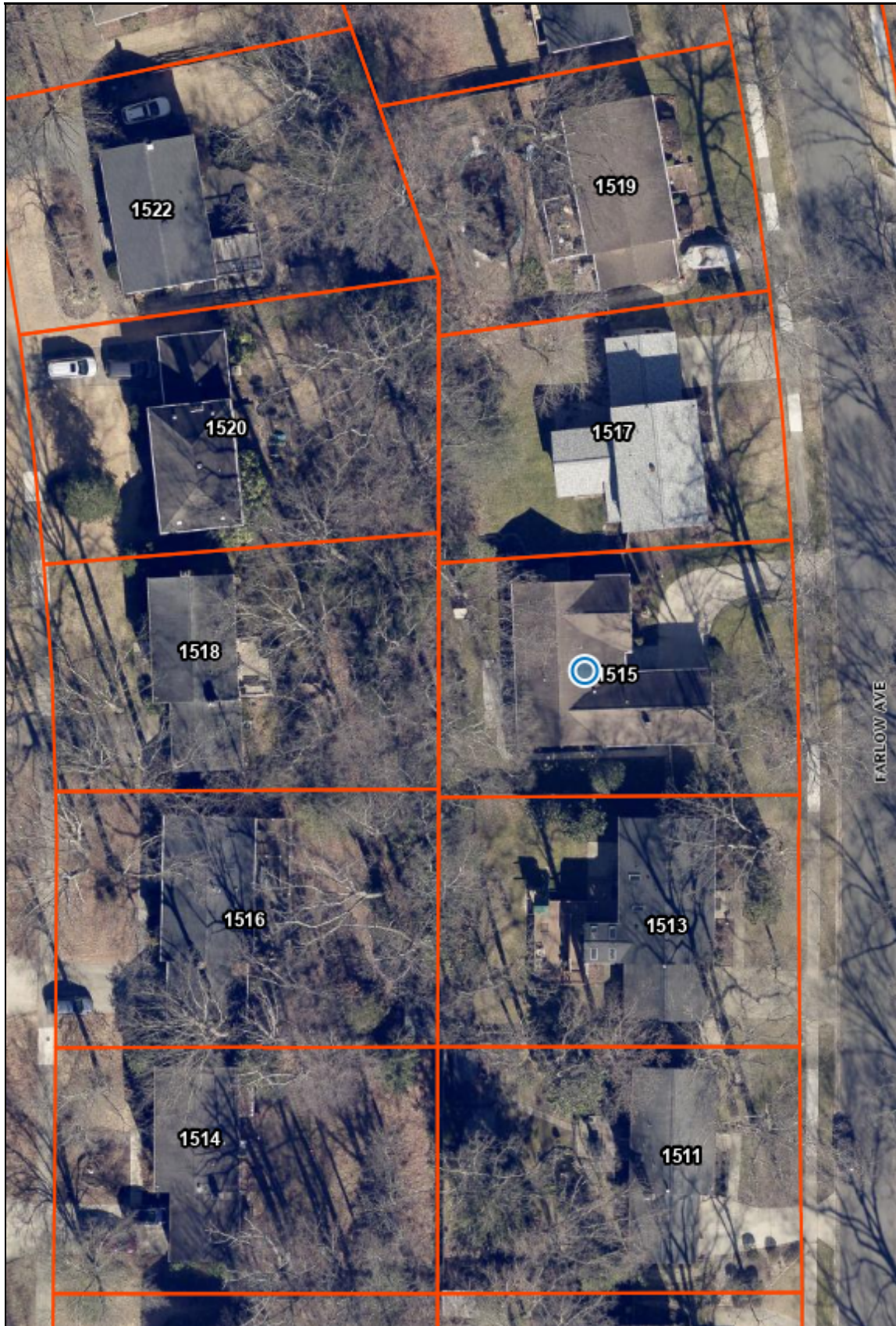
The Health Department has reviewed the above referenced variance to allow a proposed 12'-4" x 14'-8" single story sunroom addition, to be constructed on the rear of the existing residential single-family dwelling.

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

# 1515 Farlow Avenue (2025-0005-V)



## Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 50 100  
ft

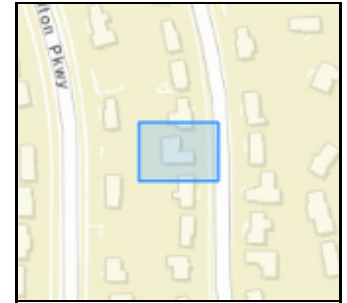
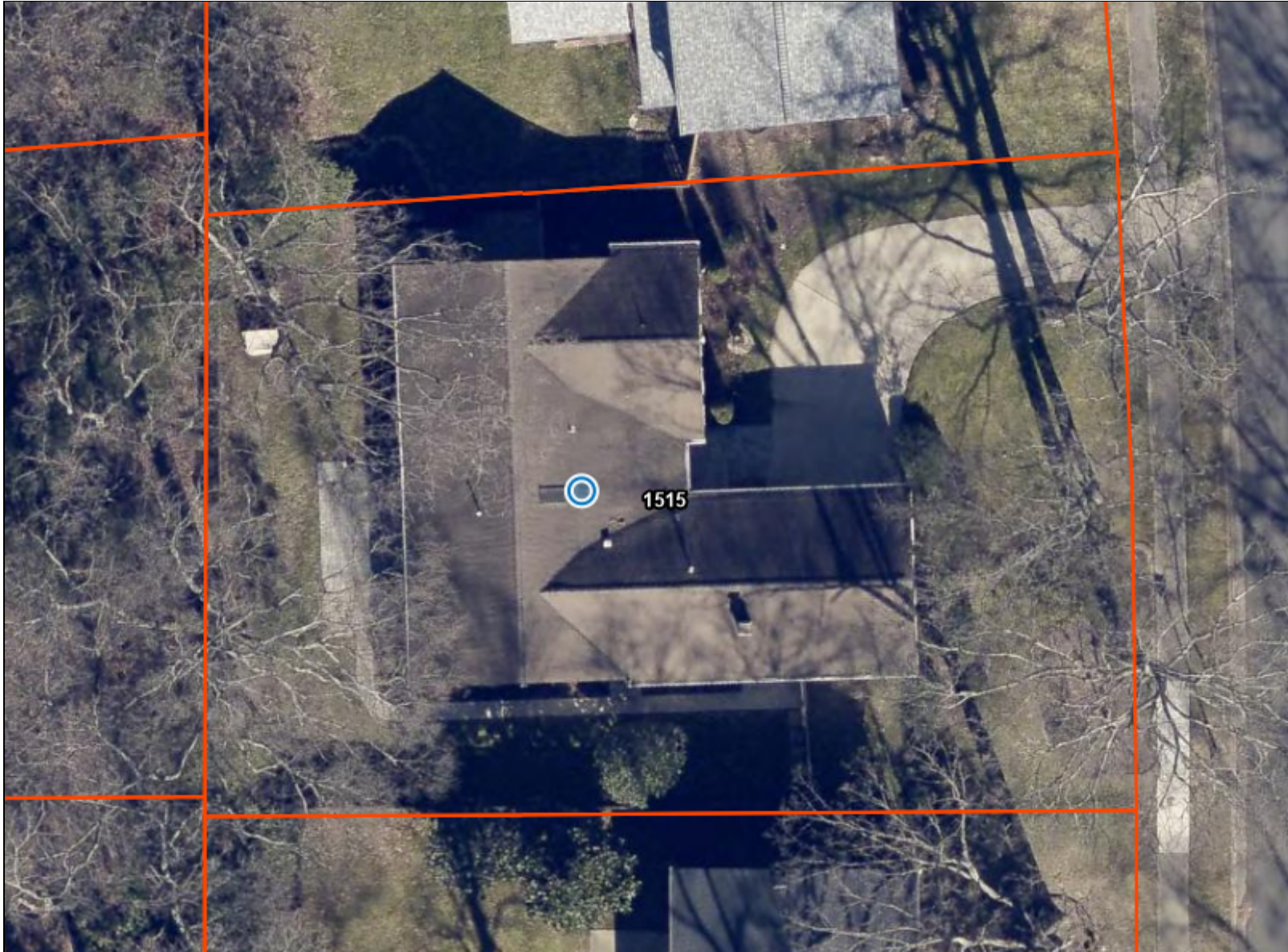
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none



Notes

# 1515 Farlow Avenue (2025-0005-V)



## Legend

### Foundation

#### Addressing



#### Parcels



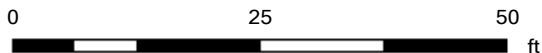
#### Parcels - Annapolis City



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## Notes



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