

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

APPLICANTS: John & Natalie Doney

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0042-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: May 7, 2024

PREPARED BY: Joan A. Jenkins
Planner II



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 known as 217 Riverside Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 14,580 square feet of land and is located with 100 feet of road frontage on the south side of Riverside Drive, west of Winchester Beach Road. The subject property is identified as Lot 11 of Parcel 1 in Grid 5 of Tax Map 45 in the Winchester on the Severn subdivision. The subject property has been zoned R2 - Residential District since the adoption of comprehensive zoning of the Fifth Council District zoning maps effective January 29, 2012.

The subject property is zoned R2 - Residential District and has been since the adoption of comprehensive zoning for the Fifth Council District, effective January 29, 2012. The site is a nonwaterfront lot located in the Chesapeake Bay Critical Area overlay, is designated as LDA - Limited Development Area. The lot is undeveloped and is served by public water and private septic systems..

PROPOSAL

The applicants seek approval for an extension in time for the implementation and completion of a previously approved variance (Case 2022-0115-V) to allow a single-family dwelling and associated features with less setbacks than required and with disturbance to slopes of 15% or greater.

REQUESTED VARIANCE

§ 18-16-405(a) of the Anne Arundel County Zoning Code stipulates that a variance expires by operation of law unless the applicant obtains a building permit within 18 months of approval. On September 29, 2022, a variance approval was granted (Case 2022-0115-V) to allow a dwelling with disturbance to slopes of 15% or greater. The applicants are now requesting a variance to

allow an additional 18-month extension in time to obtain a building permit, and maintain the previous approval, through March 29, 2025.

FINDINGS

The prior variance case was granted September 29, 2022 and expired March 29, 2024. This application for an extension in time was made March 4, 2024 prior to the expiration of the variance approval.

The letter of explanation from the applicants states that stormwater management has been the biggest challenge in this process. They write that they have been continuing to work with the County and with a private landscaping architect firm to arrive at a stormwater management design that meets the County's requirements and is economically viable for them.

This Office has not found a building permit application for the improvements requested with the approved variance. Grading permit G02019480, which was submitted after the variance approval, is still under review. The latest comments from the engineering review from January 2023 indicate that the stormwater management design is unacceptable and a revision is required.

For the granting of a time extension variance, a determination must be made as to whether the applicants diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicants delaying the permitting process. In this case the applicants have not addressed engineering comments for the grading permit that is required prior to the building permit application, they have not been delayed due to County review and processing. For variances financial considerations are not grounds for granting a variance.

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.

As the applicants have not demonstrated diligence in obtaining a building permit and there have been no unusual factors relating to the review of the grading permit, this Office cannot support this variance request.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***denial*** 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.

March 1, 2024

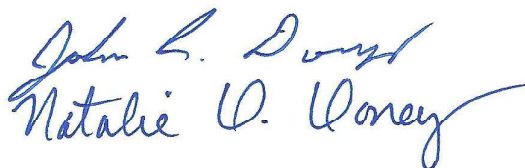
Mr. Douglas Clark Hollmann
Administrative Hearing Officer
Anne Arundel County

Mr. Hollmann,

We are John and Natalie Doney and we own the property with a street address of 217 Riverside Drive in Annapolis, MD 21409. We were granted a variance (2022-0115-V) to allow a dwelling and associated facilities in September of 2022. We are respectfully requesting an extension of 18 months for the variance previously granted.

The biggest challenge to this process thus far has storm water management. We have been continuing to work with the County and with a private landscaping architect firm to arrive at storm water management design that meets the County's requirements and is economically viable for us. We hope we can arrive at a place that is agreeable to all but we are in need of more time.

Thank you for your consideration of this request.

Handwritten signatures of John L. Doney and Natalie D. Doney in blue ink. The signature of John L. Doney is on the top line, and the signature of Natalie D. Doney is on the bottom line, overlapping slightly with the first signature.

John and Natalie Doney
219 Riverside Drive
Annapolis, MD. 21409

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier:

District - 03 Subdivision - 909 Account Number - 22754761

Owner Information

Owner Name: DONEY JOHN L Use: RESIDENTIAL
 DONEY NATALIE D Principal Residence: NO
 Mailing Address: 219 RIVERSIDE DR Deed Reference: /38940/ 00077
 ANNAPOLIS MD 21409-5841

Location & Structure Information

Premises Address: 217 RIVERSIDE DR Legal Description: LT 11 PL 1
 ANNAPOLIS 21409-0000 217 RIVERSIDE DR
 Waterview WINCHESTER ON THE SEVERN

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0045	0005	0001	3080003.02	909			11	2022	1
									Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			15,600 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
							/

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments	
			As of 07/01/2023	As of 07/01/2024
Land:	18,100	245,600		
Improvements	0	0		
Total:	18,100	245,600	169,767	245,600
Preferential Land:	0	0		

Transfer Information

Seller: DONEY JOHN L	Date: 07/15/2022	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38940/ 00077	Deed2:
Seller: DONEY JOHN L	Date: 10/09/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /32560/ 00130	Deed2:
Seller: PATTERSON ARTHUR W JR TRUSTEE	Date: 08/20/2018	Price: \$780,000
Type: ARMS LENGTH MULTIPLE	Deed1: /32406/ 00032	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date: