

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

APPLICANT: Leisa Renee Weiner

ASSESSMENT DISTRICT: 5th

CASE NUMBER: 2022-0129-V

COUNCILMANIC DISTRICT: 2nd

HEARING DATE: October 4, 2022

PREPARED BY: Sara Anzelmo
Planner II



REQUEST

The applicant is requesting a variance to perfect an accessory structure (shed) with less setbacks than required on property located at 403 Central Avenue SW in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,500 square feet of land and is located with 50 feet of frontage on the southwest side of Central Avenue, 50 feet northwest of Maple Lane. It is identified as Lot 2 of Parcel 239 in Block 15 on Tax Map 9F in the Glen Burnie subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 2, effective January 29, 2012. It is currently improved with a two-story single-family detached dwelling and associated facilities, including the subject shed.

APPLICANT'S PROPOSAL

The applicant seeks after-the-fact approval for the construction of a detached shed, measuring 10' by 20' (200 square feet) and 12'- 9" high, in the rear yard.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater in an R5 District shall be set back a minimum of seven feet from the side and rear lot lines. The shed has been constructed one foot eight inches (1' - 8") from the northwest side lot line and one foot (1') from the rear lot line, necessitating variances of six feet to the minimum seven-foot northwest side setback and six feet to the minimum seven-foot rear setback.

FINDINGS

The subject property is rectangular in shape. While the 7,500 square foot lot exceeds the minimum 7,000 square foot area required, the 50-foot lot width is narrower than the minimum 60-foot width required for new lots in an R5 District. The property is the subject of an open compliance case (#B-2020-730) associated with extensive interior and exterior renovations constructed without permits. Those improvements include two dwelling additions, a deck, a new shed on a new slab, electrical and plumbing, drywall, flooring, trim work, cabinets, appliances, windows, doors, etc.

The applicant's letter explains that the recently constructed shed replaced a smaller shed that was originally constructed in the 1940's. The shed was infested with termites, and the damage was so extensive that the applicant had to tear it down. She attests that she was unaware that a building permit was required or that the shed was subject to current setback requirements. The replacement shed is located in the same general location as the previous shed, but it has been shifted slightly away from 405 Central Ave and has been enlarged from 10' by 16' (160 sf) to 10' by 20' (200 sf).

The **Health Department** commented that the property is served by public water and sewer facilities. The Department has 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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of an applicant.

In this particular case, there is nothing unique about the subject property nor do exceptional circumstances appear to exist that would prevent the applicant from developing the lot in conformance with the Code. The property is rectangular and flat. While this Office does not have any specific objection to the replacement shed in the same general location as the previous shed, the proposal does not meet the test for a variance. The after-the-fact nature of the variance application and any associated removal expenses cannot be considered and do not negate the standards required for the granting of a variance. There appear to be alternative locations in the rear yard that could have accommodated the shed with lesser setback variances or without any variances at all. Furthermore, the Code allows for an in-kind replacement of a structure that has been in place for at least 20 years. So the applicant could have constructed a replacement 10' by 16' shed in the same location without any variances.

The variances would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. However, the applicant has not sufficiently demonstrated that the variances could not be minimized or avoided. Therefore, they cannot be considered the minimum necessary.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the requested zoning variances to § 18-4-701.

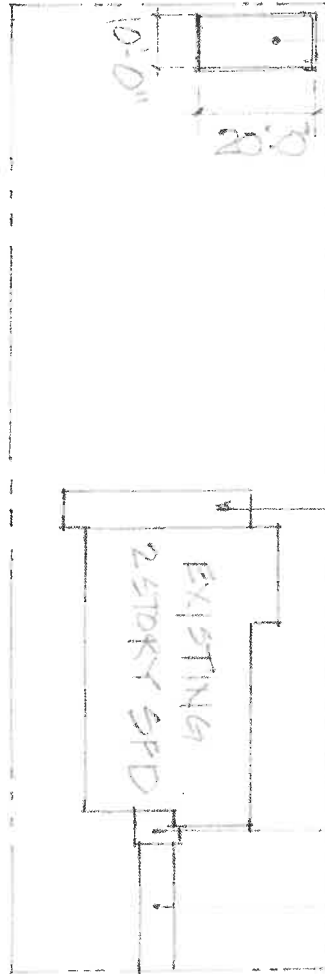
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.

FIRST ALLEY

20' R/W

S27°26'E 50'

N62°34'E 150'



PROPOSED SHED

EXISTING DECK

EXISTING PATCH

EXISTING SIDEWALK

N27°26'W 50'

CENTRAL AVE

50' R/W

Leisa R Weiner
Mark K Reed
403 Central Ave, SW
Glen Burnie, MD 21061

July 31, 2022

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

RE: Variance Submission

To Whom It May Concern:

My grandparent bought this house in 1941. My grandfather built the shed soon after. Since the shed was built so long ago; that it was in need of repairs. We had every intention of renovating the shed, until we realized it was infested with termites. The damage was so extensive, that we didn't have another option other than tear it down.

When we decided to rebuild the shed, we were not aware that it needed a permit or meet the set-back guidelines that are now required. Since the shed needed to be reconstructed we decided to expand the length by 4 feet further into the yard, lengthwise with the alley. We also moved it 2 feet further into our property and away from the neighbors at 405 Central Ave. We kept the existing concrete foundation and poured additional concrete to construct the additional feet. The original size of the shed was 10' x 16'. The new shed is now 10' x 20'. The height of the shed is 12' 9", 17" from the fence at the alley, 21" drawback from pre-existing shed slab, 24" from neighbors fence/property line. The new shed is 200 sq. feet.

The shed matches the house with the same siding and roofing. We completed the shed in December 2020. We have noticed several out building that are on property lines or have butted up to the alley in the neighborhood.

We hope you will take this information and specs in consideration when you make your decision for approval.

Sincerely,


Leisa R Weiner

Leisa R. Weiner
Mark K. Reed
403 Central Ave.
Glen Burnie, MD 21061

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

REVISED

Re: Variance Case # 2022-0129-V

Hello,

I have attached pictures of out buildings located between alleys 210 – 216, Glen Burnie, MD. Please use these in consideration when determining approval for our structure located at alley 210, 403 Central Ave., Glen Burnie, MD 21061. These pictures show out buildings that do not meet the required set backs.

Per the email I received on August 24th, 2022 from Sara Anzelmo, I have been advised that the Planning Administrator has determined that the alley will not be considered as a second front lot line. According to the email I will not be required to post a second sign.

I have already been notified of a hearing date to take place on October 4th, 2022 at 10:00 am. I hope at that time I will have an opportunity to discuss my case when making the final determination on this variance request.

If any further documentation is required, please notify me as to what you need. I very much appreciate your consideration in this matter.

Sincerely,



Leisa Renee Weiner





403







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

Nilesh Kalyanaraman, M.D., F.A.C.P.
Health Officer

M E M O R A N D U M

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health *BC*

DATE: 9/14/2022

RE: Leisa Renee Weiner
403 Central Ave SW
Glen Burnie, MD 21061

CASE
NUMBER: 2022-0129-V

SUBJECT: Variance/Special Exception/Rezoning

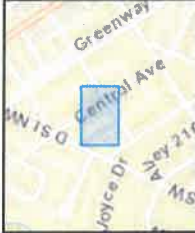
The Health Department has received the above referenced variance request to perfect an accessory structure (shed) with less setbacks than required. The Health Department offers the following comments:

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 Jasmine Baldwin at 410-222-1348.


cc: Sterling Seay


2022-0129-V




Legend

Foundation Addressing

Parcels 

Parcels - Annapolis City 

Streets 



Notes:

This map is a user-generated work, without warranty as to accuracy. It is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. For more information, please contact the City of Annapolis, GIS Department, 10000 Greenway, Annapolis, MD 21403. © 2022 Esri, All Rights Reserved. ArcGIS Online. ArcGIS Enterprise. HERE Technologies. Garmin. SatGrid. GeoTechnology, Inc. METI/NASA. (10/21/2022) 10:4 AM. All Rights Reserved. (10/21/2022)

THIS MAP IS NOT TO BE USED FOR NAVIGATION



0 35 70 ft

