

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

APPLICANT: Bonnie & Ronald Steele

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2022-0141-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: November 15, 2022

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow a dwelling and associated facilities with less setbacks, and planted buffer than required on property located at 312 Boxwood Grove Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 2.39 acres of land and is located with 32 feet of road frontage on the northwest side of Boxwood Grove Lane, 1,150 feet northwest of Arbutus Road. The subject property is identified as Lot R in Parcel 297 in Grid 20 on Tax Map 51H. The subject property has been zoned RLD – Residential Low Density District since the adoption of comprehensive zoning of the Sixth Council District zoning maps effective October 7, 2011.

The subject site is a waterfront lot located on Crab Creek which lies entirely within the Chesapeake Bay Critical Area and is designated LDA – Limited Development Area. The shoreline of the subject property is partially located in the buffer modification area (BMA) and partially outside the BMA. The southeast shoreline of the lot is located within a BMA.

The site is currently improved with a 1½ story single-family detached dwelling (c.1920), a detached garage, detached carport and driveway. A pier is located on the west side of the property. These lands are served by a private well and septic.

APPLICANTS' PROPOSAL

The applicants are proposing to demolish the existing dwelling, detached garage and carport and construct a new single family detached dwelling with attached garage, screen porch and covered deck. A detached garage is proposed to the east of the dwelling. New septic and well facilities are to be located on the east half of the lot. A reconfigured driveway is also proposed.

REQUESTED VARIANCES

Section 18-4-401(b) of the Code requires that a 50-foot planted buffer be located and maintained between the principal structure and the crest of steep slopes. The proposed dwelling and driveway are to be partially located in the 50-foot planted buffer as shown on the attached site plan. It is estimated that approximately 1800 square feet of the dwelling and approximately 300 square feet of the new

driveway is to be located in the 50-foot planted buffer. The exact disturbance to the planted buffer will be determined at the time of building permit.

A review of the site indicated that no variance to the setback requirements of the Code is required.

FINDINGS

This Office finds that the subject property at 2.39 acres significantly exceeds the minimum required lot area of 40,000 square feet for a lot in a RLD District. The lot also exceeds the minimum lot width requirement of 150 feet. However, more importantly the subject property does have extensive frontage on the water with steep slopes following the shoreline. The buffer and the steep slopes do limit development of the site at the west end of the site to a narrow band of land approximately 40 feet in width that parallels the north shoreline and steep slopes. There is also a large area of land located away from the shoreline at the west end of the site in excess of 10,000 square feet available for development.

The applicant is proposing two structures; a single family detached dwelling with attached two car garage and a detached three car garage which together have a total footprint of 4,128 square feet. As indicated earlier, approximately 1800 square feet of the dwelling and 300 square feet of a new driveway are located in the 50-foot planted buffer. This Office is of the opinion that the proposed development of the site is excessive and could be redesigned to provide for a dwelling and detached garage without the need for variances. A slightly smaller dwelling could be located within the 40-foot wide band of land located outside the buffer paralleling the north shoreline and the detached garage located to the available area on the east half of the site. The applicant has failed to demonstrate any practical difficulty in complying with the Code and that denial of the requested variance would cause hardship in the use of these lands.

Since the variance requested is not warranted it cannot be the minimum necessary to afford relief.

Approval of the variance will not alter the essential character of the neighborhood nor negatively impact the use of any adjacent property as the proposed development does not violate any established set back pattern and is located well enough away from dwellings on abutting properties so as to have no impact. The requested variance will not reduce forest cover in the Limited Development Area and will not be contrary to acceptable clearing and replanting practices. The applicant has not however provided the necessary information regarding stormwater management. Consequently there is insufficient evidence to suggest that the variance will not be detrimental to the public welfare at this time.

In conclusion, the variance is not considered to be warranted as there does appear to be the opportunity to relocate the proposed improvements outside the buffer nor can it be determined at this time that the variance will not be detrimental to the public welfare.

Agency Comments

The **Anne Arundel County Department of Health** indicated that they do not have an approved plan for this project but would have no objection to the request as long as a plan is submitted and approved by the Health Department.

The **Engineering Division of the Department of Inspections and Permits** advised that they cannot recommend approval of the variance until comments concerning stormwater management for the site are addressed satisfactorily.

RECOMMENDATION

Based upon the standards set forth under § 18-16-305 under which a variance may be granted, this Office recommends ***denial*** of the variance to allow the 50-foot planted buffer to be disturbed as shown on the attached 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.