

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

**APPLICANTS:** Christopher Koch & Kyle Lentz

**ASSESSMENT DISTRICT:** 1st

**CASE NUMBER:** 2022-0146-V

**COUNCILMANIC DISTRICT:** 7th

**HEARING DATE:** November 17, 2022

**PREPARED BY:** Donnie Dyott Jr.  
Planner



**REQUEST**

The applicants are requesting a variance to allow an accessory structure (detached garage) in the front yard of a non-waterfront lot with less setbacks than required on property located at 3752 Tanglewood Lane in Davidsonville.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 2.62 acres of land and is located with approximately 170 feet of frontage on the west side of Tanglewood Lane, 2,500 feet west of Queen Anne Bridge Road. The property is identified as Lot 2 of Parcel 139 in Block 9 on Tax Map 58 in the subdivision "Minor Subdivision, Family Conveyance, Law Property".

The property is zoned RA - Rural Agricultural District as adopted by the comprehensive zoning for Councilmanic District 7, effective October 7, 2011. This property is located outside of the Chesapeake Bay Critical Area and is improved with a single family detached dwelling and associated facilities.

**APPLICANT'S PROPOSAL**

The applicant seeks to construct a 1-story detached garage measuring 32' X 40' on the east side of the property near Tanglewood Lane.

**REQUESTED VARIANCES**

§ 18-4-301 of the Anne Arundel County Zoning Code stipulates that accessory structures in an RA - Rural Agricultural District shall be set back a minimum of 50 feet from the front lot line. As proposed, the garage is located 25 feet from the front lot line (Tanglewood Lane), necessitating a variance of 25 feet.

§ 18-2-204 (b) of the Anne Arundel County Zoning Code states that an accessory structure may not be located in the front yard of a non-waterfront lot. The garage as proposed is in the front yard (between the dwelling and Tanglewood Lane), necessitating a variance to this provision.

**FINDINGS**

The subject property was the subject of a previous variance approval for a detached garage under case 2021-0184-V where a variance was approved for a detached garage measuring 30' X 40' to be located in the front yard of a non-waterfront lot. The applicant describes that the proposed location has been adjusted due to the difficulties with the originally approved location. These difficulties include

significant earth work to make the structure level in addition to tree clearing. The revised location has had trees destroyed due to storms which would allow the structure to be placed with no tree clearing required. The area is also flatter and allows water to flow to the roadside swale, lessening the possibility of an erosive condition. While the location will require an additional variance (relief from front setback requirements) from what was approved under the prior case, the applicant argues that the environmental impacts justify the additional variance. The structure will be used to store a travel trailer and this newly proposed location will allow for safer handling of the trailer than on the narrow existing driveway. It is also noted that several neighbors have submitted letters in support of the variance request.

The **Health Department** commented that additional information is needed regarding the type and location of the water supply well, on-site sewage disposal system, future replacement systems and platted septic area.

While the proposal in this case is very similar to the request granted under case 2021-0184-V, it represents a greater request than previously approved. The new proposal requires an additional variance to the front lot line setback, and the structure itself at 32' X 40' is larger in size than the previous structure at 30' X 40'. This Office previously recognized the unique features of the lot and the difficulty in placing accessory structures in a conforming location due to the steep slopes and the location of the dwelling. However, in that case denial was recommended due to the garage being deemed a convenience along with being larger than necessary for a residential accessory garage. As stated previously, the factors on the site have not changed and the proposal has actually increased in impacts and intensity, and so OPZ's position remains unchanged. Therefore, this Office cannot find that the proposal represents the minimum necessary to afford relief. Denial of the variance will not cause the applicants unwarranted hardship or practical difficulties in the use and enjoyment of the property.

There is no evidence that the variances will alter the essential character of the neighborhood, be detrimental to the public welfare or impair the use and enjoyment of adjacent properties. However, as the variances are unwarranted they cannot be supported by this Office.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***denial*** of the zoning variances to allow the construction of the garage as shown on the 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.