

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

APPLICANTS: Gordon & Mary Wallace

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2022-0148-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: November 17, 2022

PREPARED BY: Donnie Dyott Jr.
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (deck) that does not comply with the designated location of a principal structure on a waterfront lot on property located at 132 E. Lake Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 18,586 square feet of land and is located with 38 feet of frontage on the north side of E. Lake Drive, 0 feet northeast of Mayo Avenue. The subject property is identified as part of Lot 7 of Parcel 29 in Block 10 on Tax Map 57 in the Bay Ridge subdivision. The subject property is zoned R2 - Residential District as adopted by the comprehensive zoning of the Sixth Council District zoning maps effective October 7, 2011.

This is a waterfront property on Lake Ogleton which lies entirely within the Chesapeake Bay Critical Area and is designated as LDA - Limited Development Area. The site is within a mapped BMA - Buffer Modification Area and is currently improved with a single family detached dwelling and associated facilities.

APPLICANT'S PROPOSAL

The applicant seeks to construct a deck measuring 8' X 33' on the waterside of the existing dwelling. Also proposed is a corner connection to the existing deck with stairs to grade.

REQUESTED VARIANCES

§ 18-2-402(1) of the Code requires that a principal structure on a waterfront lot be located at an approximate average of the location of principal structures on abutting lots, intended to keep structures relatively in line with one another. The applicant's proposal requires a variance to allow the dwelling addition to be constructed not relatively in line with the location of principal structures on abutting lots.

§ 18-4-601 of the Anne Arundel County Zoning Code stipulates that principal structures in an R2 - Residential District shall be set back a minimum of 20 feet from a corner side lot line. The proposed deck addition, specifically the corner connection with stairs to grade, will be located as close as 16 feet from the corner side lot line (lot line abutting Mayo Avenue), necessitating a variance of 4 feet.

FINDINGS

The property is narrower than the minimum 80 foot width required for a lot in the R2 District. The existing lot coverage total of 6,770 square feet is more than the 31.25% allowed. The applicants describe that the site will comply with the 10% overage reduction and exact calculations will be determined at the time of permit. The site was the subject of a previous variance approval for a waterside deck measuring 6' X 33' under case 2018-0123-V. The previous approval did not include the corner connector deck with stairs to grade. The previously approved deck was never constructed and that approval has expired.

The applicants argue that the variance request is essentially the same request as the approval under case 2018-0123-V. The previous owners did not construct the deck and they as new owners would like to add a waterfront deck. It is argued that the location of the existing dwelling 50-80 feet further forward than the adjacent dwellings makes any improvement impossible on the waterside as it would not comply with the relatively in line requirements. The proposal is described as modest in size and represents the minimum necessary as it also does not increase the lot coverage of the site.

The **Health Department** commented that the proposal does not adversely affect the well water supply system and has no objection to the request.

The **Development Division (Critical Area Team)** comments were not available.

While the proposal is very similar to the previous variance approved under case 2018-0123-V, it is not the same. In fact, the deck is proposed to be 2 feet deeper and a connecting deck piece with stairs to grade is proposed within the corner side setback. As such, the variance for relatively in line projects further toward the water than previously approved and this proposal requires a second variance for the corner side setback.

This Office did and still does recognize that the narrow nature of the lot in combination with the location of the existing improvements makes improvements on the waterside difficult without relief from the Code. As such some relief is warranted to prevent practical difficulties or unwarranted hardship to the applicants. Approval of the variances will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare.

However, while some relief may be warranted, the proposal is not considered to be the minimum necessary to afford relief. As mentioned above, the proposal is larger than previously approved and requires a second variance. This Office found that the previous deck represented the minimum necessary and would still support a variance for a deck measuring 6' X 33' but cannot support the current proposal with the expansion as shown.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***denial*** of the variances to allow the proposed dwelling addition 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.