

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

APPLICANTS: Vanessa Platek

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2022-0150-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: November 22, 2022

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicant is requesting a variance to allow a dwelling addition (front porch) with less setbacks than required on property located at 25 Lincoln Parkway in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 15,422 square feet of land and is located with approximately 141 feet of frontage on the east side of Lincoln Parkway, 178 feet north of Washington Drive. The property is identified as Lot 25 on Parcel 415 in Block 15 on Tax Map 45 in the Lincoln Heights subdivision.

The property has been zoned R2 – Residential District since the adoption of comprehensive zoning of the Sixth Councilmanic District zoning maps, effective October 7, 2011.

The property is currently improved with a two-story single-family dwelling with associated features. The lot is served by public water and sewer.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a porch (6' deep by 30' wide) with steps to grade on the front of the existing dwelling.

REQUESTED VARIANCES

§18-4-601 of the Anne Arundel County Code requires that a principal structure in an R2 District shall be set back a minimum of 30 feet from the front lot line.¹ The applicant proposes to construct a porch 21 feet from the front lot line with steps to grade approximately 18 feet from the front lot line. As such, variances of 9 feet and 12 feet are required.

¹ This Office notes that the front setback line is shown at 25 feet on the site plan, however, the correct distance is 30 feet.

FINDINGS

This Office finds that the subject property is a shallow developed lot that meets the area (15,000 ft required, 15,422 provided) and width (80' required, 127' provided) requirements for a new lot in the R2 District that is served by public sewer. Neither the width nor the size contribute to the need for a variance; rather, the location of the existing development is creating the need for the variance. The recorded plat for Lincoln Heights subdivision, recorded in August 1962, shows a building restriction line at 25'. When the house was constructed in 1962 (according to state tax assessment records) the property would have been governed by the 1952 Code and zoning which was Light Commercial. The Light Commercial district allowed all uses in a general apartment type district which in turn allowed all uses permitted under detached dwelling districts, thereby allowing a single family dwelling. The front setback for smaller lot dwelling districts (Cottage type) similar to the current R2 zoning was 25 feet.

A review of the County 2021 aerial photograph and Google Streetview shows a neighborhood of varying dwelling shapes and sizes. Houses along Lincoln Parkway are single-story except one. The property at 32 Lincoln Parkway is two stories and has a front porch spanning the entire front of the house. This porch is part of an approved building permit for a renovation that did not require a variance. This Office found no recent variance cases nearby that related to front yard setbacks.

The letter of explanation written by the applicants' agent gives no justification or hardship for the variance. This Office found from a review of Google Streetview that the typical house in the neighborhood has a front stoop with steps to grade.

Agency Comments

The **Health Department** commented that the property is served by public water and sewer and has no objection to the request.

Variance Requirements

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 considerations the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

While this lot has no physical conditions peculiar to this lot, the lot is a developed residential lot where the location of the existing development creates the need for a variance. However, the applicants already have use of the lot as a dwelling. The granting of the variance may alter the essential character of the neighborhood since full-length porches are not common in the

neighborhood. Approval of the variance will not impair the use or development of adjacent properties and the variance will not be detrimental to the public welfare.

This Office contends that a full-length porch is a convenience. Entry can be gained to the home with a smaller covered structure. The variance requested is unwarranted and therefore cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Article 18-16-305 under the County Code, the Office of Planning and Zoning recommends ***denial*** of the variance requests.

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.