

For Office Use Only

CASE # 2022-0156-V

FEE PAID 550 -

DATE 9/23/2022



For Office Use Only

ZONE RS

CRITICAL AREA: IDA  LDA  RCA

BMA: Yes  No

NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): JOSHUA JUSTIN LEIMBACH  
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 8455 GARDEN ROAD, PASADENA MD 21122

Property Location: 100 feet of frontage on the (NE ) side of GARDEN ROAD ;  
(Enter Street Name)  
0 feet (SE ) of (Nearest intersecting street) MEADOW ROAD ;  
(Enter Street Name)

12-digit Tax Account Number 36931803-3505 Tax District (3 ) Council District (3 )

Waterfront Lot: Y  N  Corner Lot: Y  N  Deed Title Reference 39005/64

Zoning District R5 Lot # 17 18 Tax Map 11 Block/Grid 16 Parcel 179

Area 12,500 (Sq Ft. ) Subdivision Name RIVIERA BEACH

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)  
SEE ATTACHED LETTER

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Joshua Leimbach Owner's Signature Joshua Leimbach

Print Name JOSHUA JUSTIN LEIMB Print Name JOSHUA JUSTIN LEIMBACH

Mailing Address 8455 GARDEN ROAD Mailing Address 8455 GARDEN ROAD

City, State, Zip PASADENA MD 21122 City, State, Zip PASADENA MD 21122

Work Phone C/O 410-530-6600 Work Phone C/O 410-530-6600

Home Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Cell Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email Address C/O VPGL@YAHOO.COM Email Address C/O VPGL@YAHOO.COM

\*\*\* Below For Office Use Only \*\*\*

Application accepted by Anne Arundel County Office of Planning and Zoning: SLA 9/23/2022  
Initials Date

Variance to allow the unmerger of lots with less lot area, less lot width, and greater density than allowed and lots that were not part of a subdivision approved on or after August 22, 1988.

M.A.F. & Associates, LLC  
Matthew A. Forgen  
55 Jones Station Road, W.  
Severna Park, MD 21146  
Phone: 443-864-8589

September 20, 2022

Planner  
Department of Planning & Zoning  
2664 Riva Road  
Annapolis MD 21401

RE: Riviera Beach, Lots 17, 18, 19 and 20, Section 8  
8455 Garden Road, Pasadena, MD 21122

Dear Planner:

Please accept this submittal of a variance for the above referenced project. We are proposing to demolish the existing dwelling to allow for the construction of a new single-family detached dwelling and associated site improvements. The proposed dwelling is a 2-story dwelling with a height of 35'. The proposed footprint is the same size as the existing dwelling. The structure has a footprint of 69'x28' and is setback 36.31' from the northern property line, 15.08' from the western property line, 19.53' from the southern property line and 7' from the eastern property line. The proposed dwelling sits on lots 19 and 20 only.

This proposal was granted a zoning variance (setbacks) on April 19, 2022 under case number 2022-0019-V.

I was brought to our attention, by Planning and Zoning, that there was a wood deck that crossed the property line into lot 18. The crossing of the wood deck into lot 18 merger lots merged lots 18, 19 and 20. This leaves lot 20 as a 25' wide building lot.

We are proposing, with this application, to unmerge lot 18 from lots 19 and 20 to allow for the construction of a single-family dwelling as approved by variance case number 2022-0019-V leaving lots 17 and 18 for a future single-family dwelling.

This proposal will require the following variances:

*We request a variance to Article 18-4-203(d) (3) to allow merged lots to be unmerged to allow the construction of a single-family dwelling on lots 19 and 20 leaving lots 17 and 18 for a future single-family dwelling because they were not part of a subdivision on or after August 22, 1988.*

*We request a variance to Article 18-4-701 of 750 square feet to the minimum lot area of 7,000 square for both, lots 17/18 and 19/20.*

*We request a variance to Article 18-4-701 of 1.97 dwelling units per acre to the 5.0 units per acre density requirements for both, lots 17/18 and 19/20. We request a density of 6.97 dwelling units per acre.*

*We request a variance to Article 18-4-701 of 10' to the minimum 60' lot width to allow a lot 50' wide for both, lots 17/18 and 19/20.*

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

***18-16-305(a)(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or:***

This property consists of 4-25'x125' legal platted lots comprising of 12,500 square feet. The existing dwelling sits on lots 18, 19 and 20. This leaves lot 20 as a building site. The lot is only 25' wide by 125' deep. Building on a lot that is 25' wide is not consistent with the character of the community. The majority of homes are built on 50' wide lots. The existing dwelling only crosses the 3<sup>rd</sup> lot (lot 20) by a wood deck that has been removed. The owner is proposing to demolish the existing dwelling to allow for the construction of a new single-family dwelling. The existing dwelling lies within both the front and corner lot line setback. We proposed the same size foundation moved to lessen the encroachment within these setbacks. These are the unique characteristics of the lot.

***18-16-305(a)(2) 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:***

This house was built in 1935. A wood deck was constructed on the side of the house that crossed the property line merging the lots. The remaining lot would not be consistent with the character of the neighborhood. The property owner cannot develop this property in keeping with the community without the need for these variances. We feel these variances are necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lots.

***18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:***

This variance is the minimum variance necessary to afford relief in that the proposed dwelling footprint and lot size is in keeping with the character of the community.

***18-16-305(c)(2) the granting of the variance will not:***

***(i) alter the essential character of the neighborhood or district in which the lot is located:*** The approval of these variances will not alter the essential character of the neighborhood. The proposed dwelling and lot size is similar in size to others within the community.

***(ii) substantially impair the appropriate use or development of adjacent property:*** This proposed development would not impair the appropriate use or development of these properties.

***(iii) reduce forest cover in the limited development and resource conservation areas of the critical area:*** The property is located within the IDA portion of the critical area and therefore will not reduce forest cover in the LDA and RCA.

***(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area:*** The property is located within the IDA portion of the critical area but not within a bog protection area and is not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

***(v) be detrimental to the public welfare:*** This development is not detrimental to the health and welfare of the community. This proposal will not have an increase impact on the public water and sewer system. There will not be an impact on the flow of storm water. Storm water management will be addressed with the development of this property.

If you should have any question regarding this submittal, please feel free to contact me at the number above.

Sincerely,

  
Matthew A. Forgen



**BEACH PLAT 11 BLK. 4 PAGE 39 SECTION 9 P. 179**  
**EX. 40' R/W PROPOSED 50' R/W PUBLIC, LOCAL, COUNTY, PERMANENT**

**JOSHUA JUSTIN LEIMBECK**  
 LIBER 39003 FOLIO 64  
 ACCT NO. 3695-1803-3505  
 LOTS 7-20  
 8455 GARDEN ROAD  
 RIVIERA BEACH  
 PLAT BK.# 5, FOLIO 6  
 AREA=14,500 SF  
 OR 0.2870 AC.±

**GLEN JENKINS JR ET AL**  
 LIBER 31393 FOLIO 140  
 ACCT NO. 3695-2865-3850  
 LOTS 5 THRU 7 SEC. 8  
 RIVIERA BEACH  
 PLAT BK.# 5, FOLIO 6

**KIM D. NYE**  
 LIBER 8768 FOLIO 615  
 ACCT NO. 3695-3369-9500  
 LOTS 15 & 16 SEC. 8  
 RIVIERA BEACH  
 PLAT BK.# 5, FOLIO 6

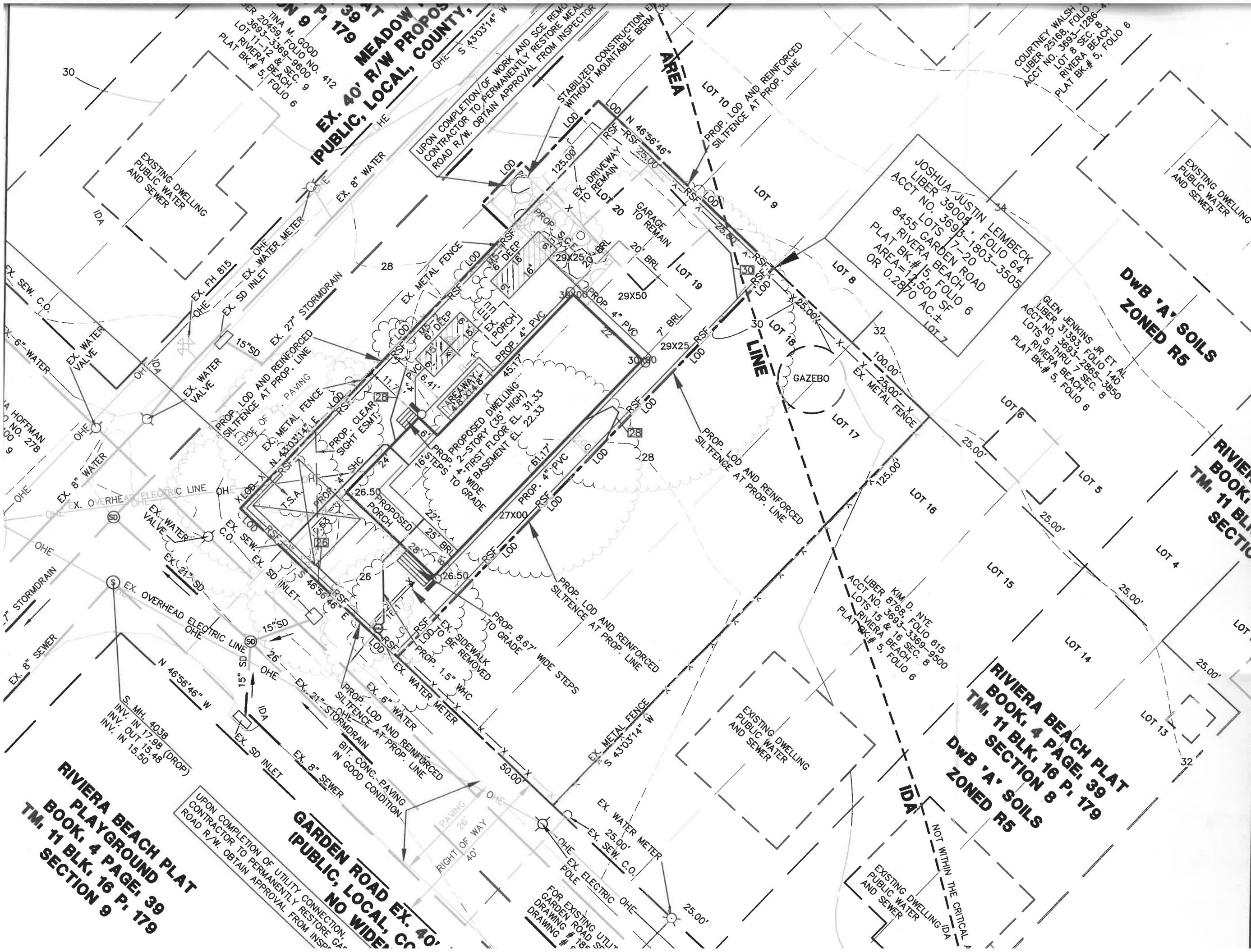
**RIVIERA BEACH PLAT**  
**BOOK 11 BLK. 4 PAGE 39**  
**SECTION 9**  
**DWB 'A' SOILS**  
**ZONED R5**

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**GARDEN ROAD**  
**EX. 40' R/W PROPOSED 50' R/W PUBLIC, LOCAL, COUNTY, PERMANENT**

NAD-83 GRID NO





<b>SITE</b>	
PROPERTY ADDRESS:	8455 GARDEN PASADENA, MD
OWNER:	JOSHUA JUSTIN 8455 GARDEN PASADENA, MD
DEVELOPER:	JOSHUA JUSTIN 8455 GARDEN PASADENA, MD
EXISTING USE:	RESIDENTIAL
EXISTING ZONING:	R5 SETBACKS: FRO
TAX MAP:	11 BLOCK: 16
ASSESSMENT DISTRICT:	3rd
TAX ACCOUNT NUMBER:	3693-1803-3505
CRITICAL AREA:	IDA
PREDOMINANT SOIL TYPE:	DwB "A" SOILS
TOTAL SITE AREA:	
EXISTING IMPERVIOUS:	
PROPOSED STRUCTURE HEIGHT:	
PARKING SPACES REQUIRED:	
PROPOSED STRUCTURE COVERAGE:	

**SITE AREA CALCULATIONS**

- 1) Total site area: 6,250 s.f. or 0.1
- 2) Hydrologic Soil Group Acreage: "A"
- 3) Total woods on site: 1,750 square
- 4) Total woods permitted to be clear
- 5) Total woods to be cleared in 100'
- 6) Total woods to be cleared out of
- 7) Total existing lot coverage: Gazebo
- 8) Total proposed lot coverage: 0 s.f.
- 9) Total lot coverage after construct

**CRITICAL AREA CALCULAT**

- 1) Total site area: 6,250 s.f. or 0.1
- 2) Critical area designation: IDA
- 3) Allowable lot coverage: No limitatio
- 4) Total woods on site: 1,750 square
- 5) Total woods permitted to be clear
- 6) Total woods to be cleared in 100'
- 7) Total woods to be cleared out of
- 8) Total existing lot coverage within t
- 9) Total proposed lot coverage: 0 s.f.

**SITE AREA CALCULATIONS**

- 1) Total site area: 6,250 s.f. or 0.1
- 2) Hydrologic Soil Group Acreage: "A"
- 3) Total woods on site: 3,666 square
- 4) Total woods permitted to be clear
- 5) Total woods to be cleared in 100'
- 6) Total woods to be cleared out of 1 of canopy cover

**RIVIERA BEACH PLAT**  
**BOOK: 4 PAGE: 39**  
**TM: 11 BLK: 16 P: 179**

**GARDEN ROAD EX. 40'**  
**IPUBLIC, LOCAL, CC**  
**NO WIDE**

UPON COMPLETION OF UTILITY CONNECTION, CONTRACTOR TO PERMANENTLY RESTORE GARDEN ROAD R/W. OBTAIN APPROVAL FROM INSP.

**RIVIERA BEACH PLAT**  
**BOOK: 4 PAGE: 39**  
**SECTION 8**  
**P: 179**  
**ZONED R5**

**DwB 'A' SOILS**  
**ZONED R5**

**RIVIERA BEACH PLAT**  
**BOOK: 11 BLK: 16**  
**SECTION 8**

**RIVIERA BEACH PLAT**  
**BOOK: 4 PAGE: 39**  
**SECTION 9**

**GARDEN ROAD EX. 40'**  
**IPUBLIC, LOCAL, CC**  
**NO WIDE**

**IDA**  
 NOT WITHIN THE CRITICAL AREA