

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

APPLICANT: Paul Buckmaster III

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0186-V

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: December 19, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting variances to allow an accessory structure (16' x 32' inground pool) with less setbacks than required and in the front yard of a nonwaterfront lot on property located at 7915 Colchester Court in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 8,339 square feet of land and is located with frontage on both the east side of Colchester Court and on the west side of Edwin Raynor Boulevard. The property is identified as Lot 260 of Parcel 662 in Block 15 on Tax Map 17 in the Chesterfield subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. This site is not located within the Chesapeake Bay Critical Area. It is currently improved with a split foyer dwelling, above ground pool, and associated facilities.

APPLICANT'S PROPOSAL

The applicant is proposing to remove the existing above ground pool (25' diameter) and replace it with an inground pool (16' x 32' irregular).

REQUESTED VARIANCES

§ 18-2-204(b) of the County Code states that an accessory structure may not be located in the front yard of a nonwaterfront lot. The subject property has two frontages¹, therefore the proposed pool will be located in the front yard as it relates to Edwin Raynor Blvd, necessitating a variance.

§ 18-4-701 states that accessory structures in an R5 District shall be no closer than 40 feet to the front lot line and 7 feet to the side lot lines. The proposed pool will not encroach into the minimum required setbacks, therefore this variance is not required.

¹ Per § 18-1-101(78) "Lot line, front" means the boundary of a lot that abuts the road right-of-way.

FINDINGS

The subject property is rectangular in shape, exceeds the minimum area requirement of 7,000 square feet, and is less than the minimum width requirement of 60 feet for a lot in the R5 District. A review of the County 2023 aerial photography shows that half of the lots on Colchester Court back up to Edwin Raynor Boulevard, resulting in lots with dual frontages.

The letter of explanation from the applicant indicates that the location of the existing road frontage and the two front lot lines constitutes an unwarranted hardship. The letter further states that other properties have similar amenities and, therefore, would not constitute a special privilege.

Building permit B02421059, to remove the existing above ground pool and install an inground pool at the subject property, was submitted on September 27, 2023, prior to submission of the variance application. Because a variance is required, approval must be obtained prior to a building permit being issued.

The **Health Department** has no objection to the requested variance.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or, because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship, and prevent the applicant from developing the lot.

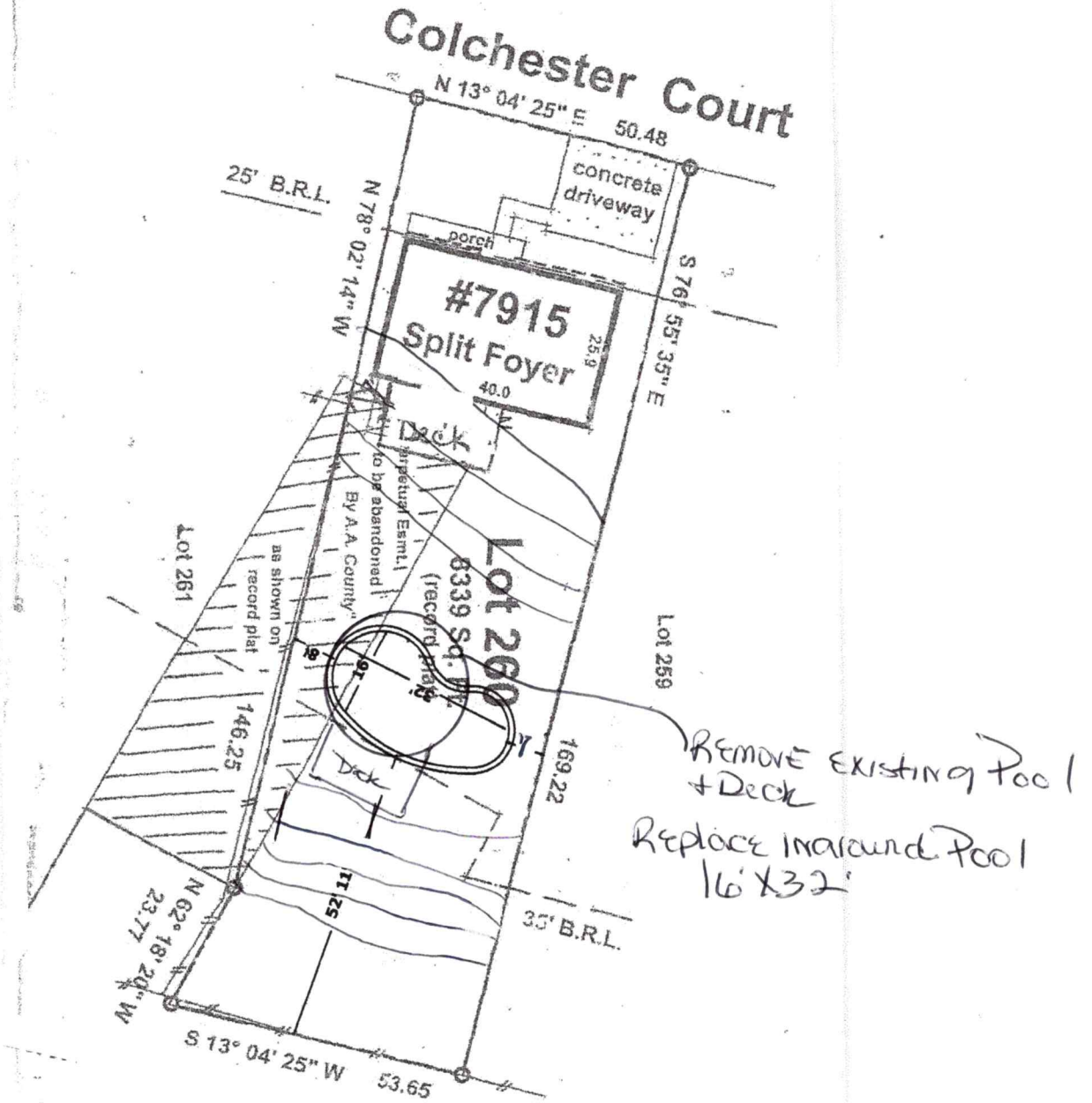
In this particular case, the property has dual frontages, with access provided via Colchester Court. Any development proposed in what is functionally the rear yard (fronting Edwin Raynor Boulevard) will require a variance. This constitutes an exceptional circumstance and creates an unnecessary hardship.

The applicant is proposing to install the inground pool in the location of the existing above ground pool, where it will not encroach into the minimum required front and side setbacks. As such, the requested variance appears to be the minimum necessary to afford relief. Granting the variance would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to § 18-2-204(b) to allow an accessory structure in the front yard of a nonwaterfront lot.

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.



Paul Buckmaster
 7915 Colchester Ct
 Pasadena
 Lt 260 P12 Ph3
 3190-9005-2890

10/12/23

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Attn: Variance Letter of Explanation

Property Owners: Paul Buckmaster III
Property Address: 7915 Colchester Ct
Pasadena, Maryland 21122
Tax Acct No. 03 -190 – 90052890
Tax Map 17, Grid 15, Parcel 663 Lots 260

Dear Ms. Seay.

The purpose of this letter is to outline the applicants' request for a Variance to add inground pool read property. The improvements include inground pool according to Zoning in the front yard.

The property consists of approximately 8339 Sq Ft. The site is zoned R5-Residential. The property is served by public water and sewer.

The property is currently improved with a story split single-family detached dwelling, 1 porch and deck.

The proposed work inground pool 16'x32'.

The application meets the requirements for a variance (the request will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, substantially impair the appropriate use or development of adjacent property; The request constitutes minimum relief because it is due to the location of the existing road frontage. Denying the requested variance, based on 2 front lot property lines would constitute an unwarranted hardship. Other people have similar amenities and, therefore, granting the application would grant the applicants rights enjoyed their rear property commonly enjoyed by other property owners and would not constitute a special privilege. A building permit B02421059 has been filed. Granting the application would be in the spirit and intent of the critical area program.

If you should have any questions or comments, please do not hesitate to contact me at (443) 812-1203.

Sincerely,

Paul Buckmaster II

Paul K. Buckmaster III



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: 10/26/2023

RE: Charity Buckmaster
7915 Colchester Court
Pasadena, MD 21122

CASE
NUMBER: 2023-0186-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow an accessory structure (inground pool) with less setbacks than required and in the front yard of a nonwaterfront lot. The Health Department offers the following comments:

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Jasmine Baldwin at 410-222-1348.

cc: Sterling Seay

2023 AERIAL

