

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

APPLICANT: Matthew & Barbara Coyle

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2024-0046-V

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: May 14, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (garage) with less setbacks than required on property located at 438 Riverside Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,010 +/- square feet of land and is located with 40 feet of frontage on the east side of Riverside Drive. It is identified as Lots 141 & 142 of Parcel 343 in Grid 15 on Tax Map 24 in the Upper Magothy Beach subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. This waterfront site is located entirely within the Chesapeake Bay Critical Area overlay, is designated as LDA - Limited Development Area, and is mapped as a BMA - Buffer Modification Area. It is currently improved with a single-family detached dwelling, three sheds, a pier, and other associated facilities.

PROPOSAL

The applicants propose to construct a detached garage, measuring 24 feet by 28 feet (672 square feet) with a height of 20 feet, in the rear (roadside) yard of the existing dwelling. The proposal would include the removal of the three existing sheds (totaling 491 square feet); the pads on which they sit; and 1,230 square feet of the existing asphalt parking pad, sidewalks, patio sections, and stone.

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater shall be set back a minimum of seven feet from each side lot line. The garage is proposed five feet from the north side lot line, necessitating a variance of two feet.

FINDINGS

The subject property is rectangular in shape and is both undersized and narrow for the zoning district. More specifically, the 40-foot lot width is only half of the minimum 80-foot width required, and the 7,010 square foot lot size is substantially smaller than the minimum 20,000

square foot area required for new lots not served by public sewer in an R2 District. The existing critical area lot coverage is 3,328 square feet. The post-construction coverage would be reduced to 2,279 square feet, which would easily comply with the coverage reduction required upon reconfiguration of existing lot coverage.

The property was the subject of two prior variances. Under case #2005-0095-V, approval was granted to allow a deck with less setbacks and buffer than required. Under case #2013-0137-V, approval was granted to allow a second story dwelling addition with less setbacks than required.

The applicants' letter explains that their lot is very narrow, limiting the potential width of the garage. They note that they have a 3' by 40' planter with Holly and River Birch trees on the north side, which they do not want to disturb. Adding two feet to that setback would make it easy to care for them. They also attest that the 11-foot distance on the south side is necessary in order to allow access for propane deliveries (which currently are difficult for the propane company), to allow access to the house for emergency vehicles, and to allow room to pull their boat into the yard for storage.

The **Health Department** has reviewed the onsite sewage disposal and well water supply system for the subject property and has determined that the request would not adversely affect these systems. Therefore, the Department has no objection to the proposed variance.

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this case, the lot is significantly narrow and undersized, which limits further development. The applicants have described the practical difficulties that would result from shifting the garage two additional feet to the south in order to avoid the setback variance on the north side, as they need to maintain at least 11 feet for vehicular and trailer access to the yard on the south side.

Approval of the variance would not alter the essential character of the neighborhood, as there are similar accessory structures that do not meet the required side setback on other nearby lots. The variance would not substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare. The 24-foot width is typical for residential use, and the two-foot variance request is considered to be the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the requested zoning variance.

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.

Letter of Explanation for Critical Area Variance Request

Subject Property: 438 Riverside Drive
Pasadena, MD 21122

Tax Account No.: 03-881-11256700

Owners: Matthew Coyle
Barbara H. Coyle

Agent for Owners: MBAS Sheds
Applying as Applicant Linda Bachman
410-360-9717
bachmanshedbuilders@gmail.com

The purpose of this Variance is to request a shorter side property line setback measurement on our lot than is required in order to build a 24' x 28' garage, 20' high 10' off of the back/street property line. The property is zoned R2 and is classified as LDA. We are required to comply with 7' side property line setbacks. We are requesting a 2' variance on the North side of the lot giving us a 5' setback on the North side so we can have an 11' setback on the South side.

Our lot is one of several original old summer homes in the neighborhood built in 1938 located on Cockey's Creek off of the Magothy River. A majority of lots are very long, narrow lots. We added a second story to the home and had to retain the original footprint to stay within the impervious surface restrictions. Its footprint is only 936 square feet, 25' high. The lot is a very narrow lot only 175' long on the North side, 165' long on the South side, 36' wide on the waterfront side and 40' wide at the back/street property line. So, we're very limited to the width that the garage can be. On the North side we have a 3' wide x 40' long planter with Holly and River Beach trees which we do not want to disturb. Adding 2' to that setback will make it easy to care for them. We need the 11' distance on the South side to allow for propane deliveries, (which currently are difficult for the propane company), access to the house for emergency vehicles, and allow us to pull our boat into the yard for storage. Several homes in our neighborhood have built sheds and garages very close to their property lines because of the narrowness of the lots. Our garage will not alter the character of the neighborhood or affect in any way our neighbors on either side. The removal of the old sheds and replacing them with a garage that will compliment the house will be welcomed.

To build the garage, we will remove 3 old sheds totaling 491 square feet plus the pads they sit on and 1230 square feet of the existing asphalt parking pad, sidewalks, patio sections and stone. So, our overall impervious surface will be less than it currently is. This will give us the storage space we need as well as parking the cars undercover. The flood elevation in the back/street side portion of the property is 10'3". So, there are no potential flooding issues. The mean high water line has never gone higher than the surface of my pier. We will not need to remove any woodland to construct the garage.

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
0024	0343		141/142	

Tax ID: 03-881-11256700

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) MATTHEW COYLE

Project location/Address 438 RIVERSIDE DRIVE

City PASADENA Zip 21122

Local case number

Applicant: Last name BACHMAN First name LINDA

Company MBAS SHEDS

Application Type (check all that apply):

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

BUILD A 24'x28' GARAGE ON TOP OF EXISTING IMPERVIOUS SURFACE WITH A 5' SET BACK ON NORTH SIDE OF LOT INSTEAD OF 7' REQUIRED

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/> <i>SETBACK.</i>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area					
LDA Area		7,010			1,445
RCA Area					
Total Area			# of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		245	Existing Lot Coverage		245
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		245

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0

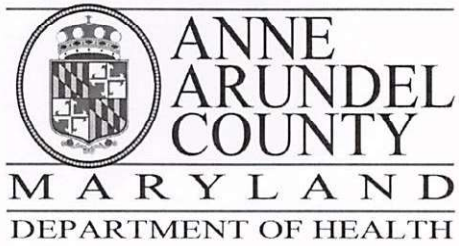
Variance Type		Structure	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input checked="" type="checkbox"/>
Setback	<input checked="" type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

Critical Area Report
Section 4

Site Narrative Statement

438 Riverside Drive
Pasadena

- A. 438 Riverside Drive is a residential property. The purpose of this Variance is to allow a 5' side property line setback instead of 7' as required on the North Side of the property. The area is off of the rear/back side of the property where a 24' x 28' garage will be built.
- B. The property has a variety of trees and shrubs encompassing approximately 245 square feet of coverage throughout the lot. These include holly bushes, a river beach tree, a dogwood, boxwoods, a white oak tree, and mountain laurel shrubs. None of these trees/shrubs will be disturbed by the garage's construction. The 5' setback will help to keep a safe distance.
- C. The garage's construction will take place in the back portion of the lot, street side, opposite the waterfront. Silt fencing will be used to protect the property from any sediment runoffs.
- D. The existing impervious surface is 3,328 square feet. After removal of 3 old sheds, gravel and concrete pads, and large portions of the existing asphalt parking pad, the total will be reduced to 2,279 square feet.
- E. There are no habitat protection areas on the property. The garage will be beyond the 100' buffer. There are no steep slopes in this section of the property.




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Sanitary Engineering Program 

DATE: March 18, 2024

CASE
NUMBER: 2024-0046-V
Matthew Coyle
438 Riverside Drive
Pasadena, MD 21122

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow an accessory structure (garage) with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the onsite sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well supply water systems. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

to...

100 ft

