

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

APPLICANTS: James & Michele Jeffcoat

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0058-V

COUNCIL DISTRICT: 6

HEARING DATE: May 9, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located at 922 Waterview Drive in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 15,180 square feet of land and is located with approximately 23 feet of road frontage on the northside of Waterview Drive. The subject property is identified as Lot 11 in Parcel 389 in Grid 16 on Tax Map 31 in the Sunrise Beach subdivision. The subject property has been zoned R2 – Residential District since the adoption of comprehensive zoning of the Sixth Council District zoning maps effective October 7, 2011.

The undeveloped, waterfront lot is located on the Severn River which lies entirely within the Chesapeake Bay Critical Area, is designated LDA – Limited Development Area, and is mapped as a buffer modification area (BMA).

PROPOSAL

The applicants seek approval for an extension in time for the implementation and completion of a previously approved variance (Case# 2022-0144-V) to allow a two-story, single family detached dwelling with a front attached deck, a rear covered porch, and associated facilities (driveway and septic) on the subject property.

REQUESTED VARIANCE

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance stipulates that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within 18 months of approval.

On November 29, 2022, the Administrative Hearing Officer of Anne Arundel County granted a critical area variance (Case# 2022-0144-V) to the previous owner to allow disturbance to steep slopes of 15% or greater to construct a dwelling and associated facilities. The new owners are now requesting a variance to allow an extension in time in order to obtain a building permit

while maintaining the previous approval.

FINDINGS

The prior variance case was granted on November 29, 2022 and will expire on May 29, 2024. This application for an extension in time was made March 22, 2024, prior to the expiration of the variance approval.

The applicants' letter explains that the previous owner attempted to sell the property to a developer and after a lengthy negotiation process, the property was sold to another party in November, 2023. The field survey, engineering and design documents must be re-established in order to move forward as the previous contract purchaser owned the engineering that was executed. The letter further states that it would be impossible to obtain building permit approval prior to the expiration date.

This Office has found that a grading permit, G02019519, to construct a single family dwelling was submitted on September 13, 2022 by the previous owner. That permit appears to be pending review comments dated January 21, 2023. A building permit to construct a new dwelling has not been submitted.

There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

For the granting of a time extension variance, a determination must be made as to whether the applicants diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicants delaying the permitting process. It would appear that the previous owner had been diligently pursuing the grading permit until the property was listed for sale. The delay in the permit process appears to be a result of the property changing hands. The applicants, as the new owners, were not afforded a reasonable amount of time to re-establish the permit documents prior to the variance expiration date. As such, this Office supports the variance request for a time extension.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to §18-16-405(a) to allow an 18 month extension in time for the implementation and completion of a previously approved variance.

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.

March 1, 2024

Mr. Rob Konowal
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

RE: Sunrise Beach Lot 11
Var. Case #2022-0144
922 Waterview Drive
Crownsville, Maryland 21032
Tax Account #2-748-01928925

Dear Mr. Konowal:

On behalf of the new owners of the subject property, this is a formal request for an *extension* to the variance approval granted on November 29th, 2022 for the above referenced case. Attached with this request is the previous variance decision which includes all narrative and plans that were part of the approval. The current variance approval decision expires by operation of law on *May 29th, 2024*.

The previous owner attempted to sell the property to a developer and after a lengthy negotiation process, the property was sold to another party in November, 2023. The field survey, engineering and design documents must be re-established in order to move forward as the previous contract purchaser owned the engineering that was executed. It would be impossible to obtain building permit approval prior to the expiration date. The scope of the project will remain unchanged.

We appreciate your consideration of the enclosed variance extension request and we remain available to answer any questions you may have.

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC



Robert E. Baxter, Jr.
Project Manager

Cc: James W. Jeffcoat