APPLICANT EX 1 2024-0083-V 6/25/2024

### **VARIANCE HEARING**

• 2691 SOLOMONS ISLAND ROAD EDGEWATER MD 21037

• 2024-0083V JUNE 25, 2024 12 PM





ENGINEERS, PLANNERS & SURVEYORS
 53 OLD SOLOMONS ISLAND ROAD \* SUITE I \* ANNAPOLIS, MD 21401
 phone: 410-266-1160 \* email:terrain@comcast.com; roy@terrainmd.com

• PRESENTED BY: ROY C. LITTLE, P.E.

○ OWNER: THOMAS DeBACCO

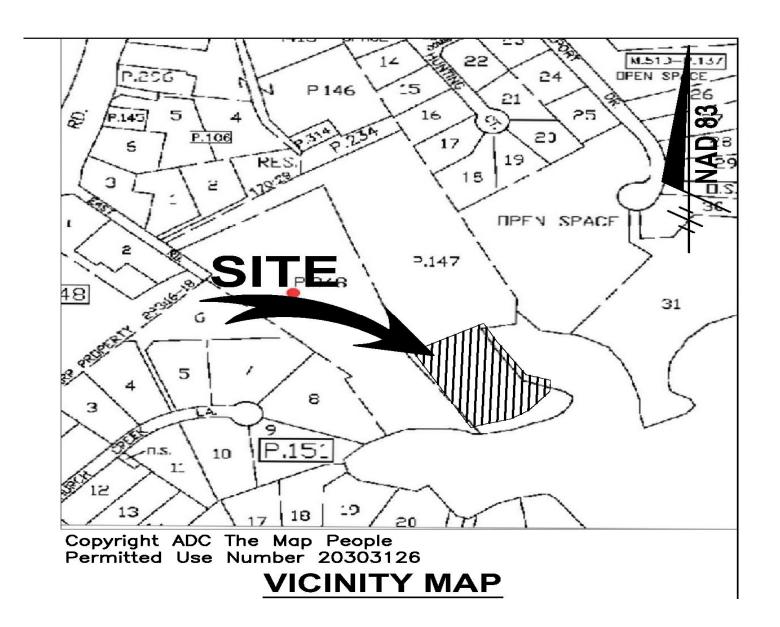
• 3021 O'DONNEL ST.

**BALTIMORE MD 21224** 

PHONE: 908-528-0009

EMAIL: tomdebacco@gmail.com

VICINITY MAP – NOT TO SCALE



### REQUEST LETTER



April 25, 2024

Anne Arundel County Zoning Division Office of Planning and Zoning 2664 Riva Road, 3rd Floor Annapolis, MD 21401

> te: 2691 Solomons Island Road - Lot 35 G02017966 T.A. 2000-9025-4788

#### To Whom It May Concern:

In order to recognize the Site Development as proposed, we will need to obtain a Variance to 18-4-301; RA, Bulk Regulations to reduce an Interior Side Setback from 15 ft to 8 ft. The Site Specific Conditions are not follows:

#### A. Existing Conditions:

- 1. The Site is known as 2687 Solomons Island Road, Lot 35 (L38488, F34).
- The Site Area is 2.5942 ac or 113,049 SF and is a waterfront lot on Church Creek.
- The Site is located on a point which is encumbered by Expanded Buffers (i.e. 50 ft from top of slopes 15% or greater).
- The area outside of the Buffers gently slopes at approximately 3% to 4%.
- The Site has received passing Perc Tests.
- The area of House Construction is lightly wooded.

#### B. Proposed Conditions:

- 1. The House is sited to avoid Buffer Disturbance and Maximizing View Lines
- Mr. Thomas DeBacco is the owner of all three (3) Sites; Lots 34, 35 and 36.
- 3. The Septic System has been designed to address a house size larger than 3,500 SF.
- Based on the house design, the Variance Request does not impede future development of Lot 34.

#### C. Requested Variance

- Based on R1 Zoning, the minimum Interior Side Setback is reducing the 15 ft to 8 ft, or a Variance of 7 ft.
- The Variance is necessary to maximize View Lines across Church Creek and as such the House Rotation creates the need for the Setback Variance.
- The Variance is not a Critical Area Variance but only a Variance to Bulk Regulations.

#### Justification

- As previously stated above, Lots 34, 35 and 36 are all owned by Mr. DeBacco. Therefore, he is aware of Site Design Impacts on future development.
- The Variance will not impede development of Lot 34 or Lot 36 as both Lots are of sufficient size to accommodate development characteristic of surrounding areas.
- The House Rotation as shown, is based on careful consideration of View Lines to minimize vegetation removal. A Buffer Management Plan will be provided with future permitting. The development avoids Buffer Impacts.

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- The expansion has been maximized away from the waterfront to the limits allowed by the Well Setback and required Setback to Septic components.
- 5. The development of the Site will provide Stormwater Management.
- The development of the Site will provide Buffer Establishment.
- 7. The proposed development establishes Lot Coverage well below the maximum limits.

#### E. Article 18-16-305; Variances:

The Site meets the requirements for Zoning Variances because Practical Difficulties and Hardships are created as follows:

- The Site exhibits Unique Physical Conditions of Extreme Irregularity as the Site is characteristic
  of a Point of Land. Thus, the application of Side Yard Setbacks for the Principal Structure is
  restricted. The Site is restricted by the Expanded Buffer (i.e. 50ft from the top of the Slope).
  Therefore, the Setback Variance Request assists with avoiding disturbance of the Buffers.
- An unnecessary hardship exists because the Potential Impacts to Buffers are eliminated, and the Request does not impact adjoining future development.

#### F. Requirements for All Variances:

 The Site Design is the minimum relief necessary because the House is adjoining the Buffer and the requested Setback Variance avoids Buffer Disturbance.

- 2. The granting of the Variances will not:
- Alter the essential character of the neighborhood or district in which the Lot is located because the Lot adjoins two lots which are in sole ownership of the Applicant.
- Substantially impairs the appropriate use or development of adjacent property.
   Adjacent properties are currently undeveloped and under ownership of the Applicant.
- The design uses the minimum buildable area necessary and will avoid Buffer Disturbance.
- iv.) Be contrary to acceptable clearing and replanting practices required for development in the Critical Area or Bog Protection Area; or be detrinental to the public welfare. The Site Layout minimizes clearing and maintains values less than allowable.
- v.) Be consistent with the spirit and intent of the Critical Area Program or Bog Protection Program and will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat as the Site will be developed in accordance with the County Criteria and not impact the conditions as stated.

In summary, we believe the Variance is necessary to Allow Development of the Lot in accordance with all Critical Area and other criteria as outlined in the Code,

If you should have any questions or comments or need additional information, please do not hesitate to call our office at (410) 266-1160 or email terrain@comcast.net.

Sincerely, TERRAIN



Roy C. Little P.E. Director of Engineering RCL/II.1739

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### COUNTY RECOMMENDATION

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The subject property significantly exceeds both the minimum lot width and lot area requirements of the Code for a lot in a R1 District. The site is encumbered by steep slopes, the expanded Critical Area buffer and the need to provide for septie and well facilities on site. These conditions do provide for a restricted area of the development, however there is ample room remaining onsite to construct a dwelling without the need for relief. The proposed two-story irregular shaped dwelling is some 117 feet in width and has a footprint of 6,374 square feet. The footprint of the house when combined with the proposed pool and patio totals some 11,735 square feet. The requested relief amounts to two small corners of the dwelling (approximately 64 square feet) projecting into the required side lot line setback. The applicant has not demonstrated any practical difficulty in revising their plans to comply with the Code nor how denial of the variance would cause hardship in the use of these lands.

Since the variance is not warranted it cannot be the minimum variance necessary to afford relief.

The requested variance would not alter the essential character of the neighborhood. The proposed eight foot side lot line setback would not impair the appropriate use or development of any adjacent property. The subject property abuts an access easement that is for the benefit of the subject property. This easement serves to provide additional separation that exceeds the required side lot line setback between dwellings on each abutting property.

There is no evidence that the proposed variance would be detrimental to the public welfare. Finally, the requested variance will not reduce forest cover or be contrary to acceptable clearing and replanting practices required for development in the Critical Area.

In summary, the request is being denied as no practical difficulty has been demonstrated in complying with the Code. There is no evidence denial would cause any hardship in the use of these lands.

#### AGENCY COMMENTS

The Anne Arundel County Department of Health advised that the request does not adversely affect the on-site sewage disposal and well water supply systems and as such the Health Department has no objection to the request. The Health Department requests that the site plan be submitted for Pere Application PAT02050375.

The Engineering Division of the Department of Inspection and Permits advised that stormwater management will be addressed through two micro-bio retentions. The stormwater management for the site shall be addressed during the SDP/grading permit (G02017966). It appears that the property will be served by a private well and septic.

Based on the above, this Office has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.

The Cultural Resources Division of the Office of Planning and Zoning advised that this project area underwent an archaeological survey during review for G02017966. (see report, "Phase I Archaeological Survey of 2687 and 2689 Solomons Island Rd., Anne Arundel County, MD" (Draft May 2022), by Applied Archaeology). No further work is required and this project presents no adverse effect to archaeological resources, 18AN788.

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

APPLICANTS: Thomas and Kate Debacco

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0083-V

COUNCIL DISTRICT: 6

HEARING DATE: June 25, 2024

PREPARED BY: Robert Konowal

Planner

#### REQUEST

The applicants seek a variance to allow a dwelling with less setbacks than required on property located at 2691 Solomons Island Road in Edgewater.

#### LOCATION AND DESCRIPTION OF SITE

The subject property is located approximately 1,300 feet southeast of Solomons Island Road at the end of a private road easement that begins on the east side of Solomons Island Road approximately 800 feet south of Wallace Manor Road. The lot has an area of 113,049 square feet, and is shown as a Lot 35 in Parcel 147 on Tax Map 51 in Grid 20. The subject site is zoned R1-Residential District and has been since comprehensive zoning for the Sixth Council District effective October 7, 2011.

The subject property is a waterfront lot located off Church Creek in the Chesapeake Bay Critical Area. These lands are designated as "RCA-Resource Conservation Area". The property is not located along a modified buffer shoreline. The site, which is not served by public and sewer, is currently vacant.

#### APPLICANT'S PROPOSAL

The applicants propose to construct a two-story, single family detached dwelling with attached garage, driveway, patio and inground pool. On-site septic and well facilities are also proposed.

#### REQUESTED VARIANCES

Section 18-4-501 of the Anne Arundel County Zoning Code requires that a principal structure in a R1-Residential District be set back a minimum of 15 feet from a side lot line. The proposed dwelling will be located as close as eight feet from the south side lot line necessitating a variance of seven feet to the Code.

#### FINDINGS

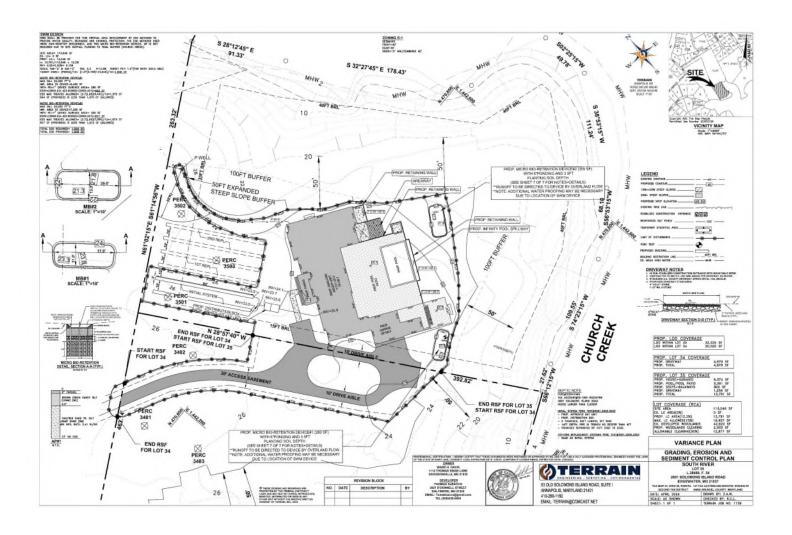
For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the

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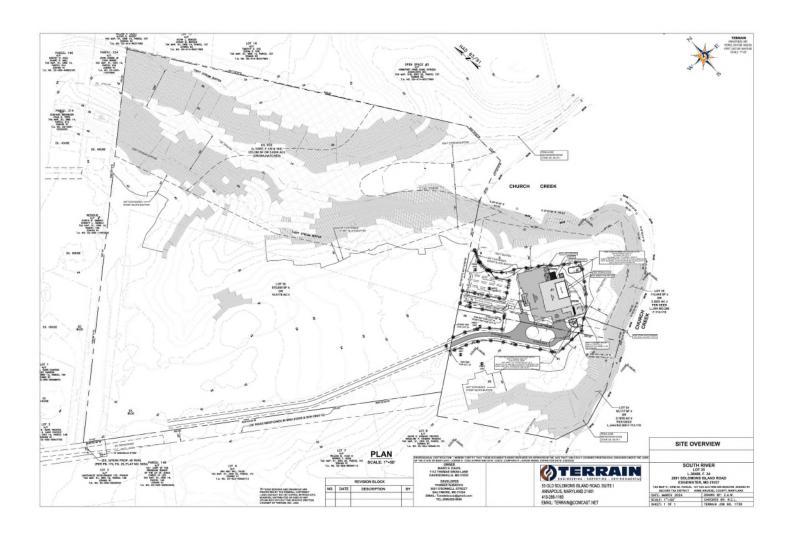
#### RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends *denial* of a variance of seven feet to the minimum side lot line setback to allow a dwelling to be located eight feet from the side lot line as shown on the attached site plan.

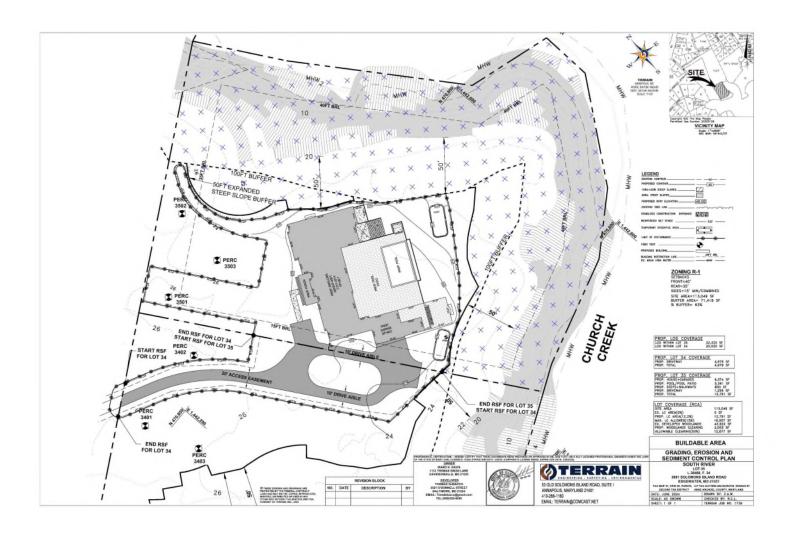
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This 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.



## VARIANCE PLAN



# OVERVIEW PLAN



## BUILDING ENVELOPE

## **AERIAL PHOTO**



# HOUSES IN VICINITY



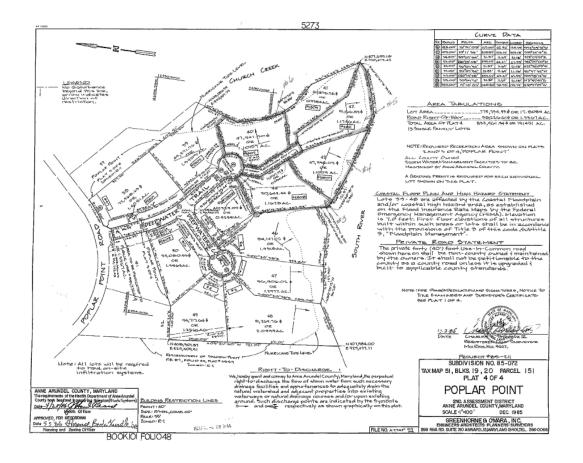
# HOUSES IN VICINITY

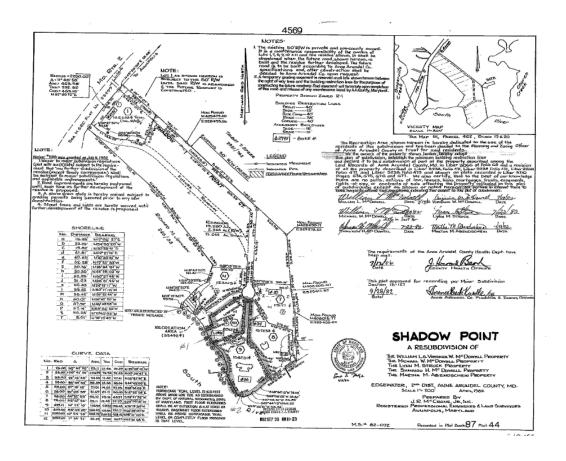


# COMPARITIVE HOUSE SIZES



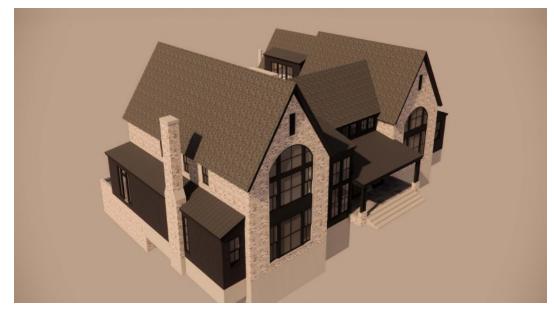
## PLATS FOR ADJOINING LOTS

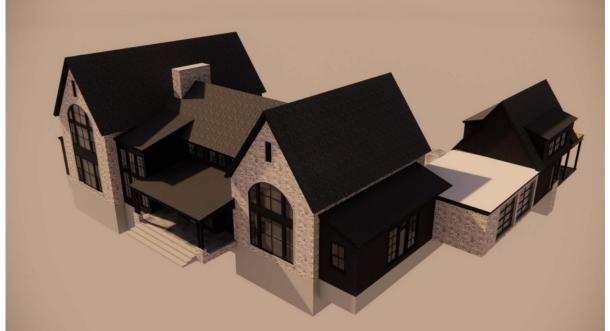




### **HOUSE PLANS**

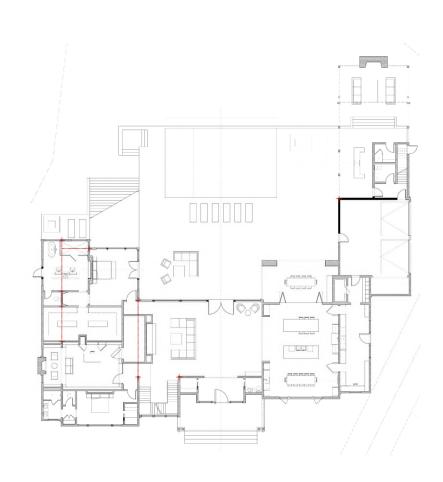


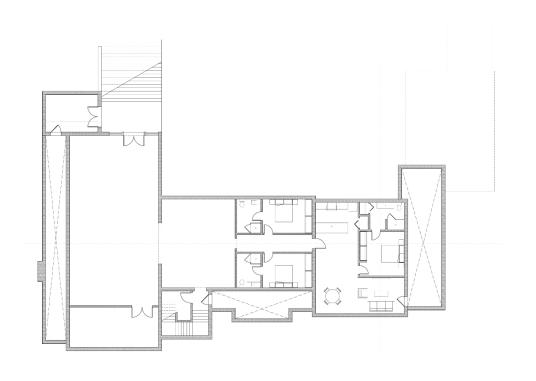






## HOUSE PLANS – BASEMENT FIRST FLOOR





## HOUSE PLANS SECOND FLOOR

