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

APPLICANT: Michael G. Alesandrini

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0091-V

HEARING DATE: July 25, 2024

COUNCIL DISTRICT: 7

PREPARED BY: Jennifer Lechner Planner

REQUEST

The applicant is requesting variances to allow a dwelling with less setbacks than required on property located at 212 Riverside Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 18,350 square feet of land and is located with approximately 106 feet of frontage on the north side of Riverside Road. It is identified as Lot 19 of Parcel 114 in Grid 7 on Tax Map 56 in the South River Park subdivision. The property is zoned R5 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The waterfront lot lies entirely within the Chesapeake Bay Critical Area, is designated as IDA – Intensely Developed Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a one-story dwelling, sheds, a pool, a residential pier with a covered platform, and associated facilities.

PROPOSAL

The applicant proposes to remove the existing house to the first-floor decking, and to construct a new single-family 2-story dwelling (43'-1 " x 68'-5", with a height of 31') with a garage and porch.

REQUESTED VARIANCES

§ 18-2-701 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R5 District shall be set back a minimum of 7 feet from the side lot line. The proposed single family dwelling would be constructed as close as 2.91 feet from the western side lot line, necessitating a variance of 5 feet.

FINDINGS

The subject property is irregularly shaped and oversized in relation to the minimum lot size of 7,000 square feet and the minimum lot width of 60 feet for lots in the R5 District. A review of the County aerial photography shows an eclectic mix of lots and houses in this waterfront community.

The existing coverage by structures is 3,178 square feet. The proposed post-construction coverage by structures is 3,816 square feet.

Variance 2024-0024-V, to allow pilings with less setbacks than required, was granted on April 18, 2024. Building permit B02423530, for the installation of two piles and the removal of a section of the pier, was then issued on May 2, 2024.

Building permit B02422964, to demo and rebuild the single family dwelling, was submitted on January 2, 2024, and grading permit G02020115, for a single family dwelling demo/rebuild, was submitted on May 13, 2024. Variance approval must be obtained prior to the permits being issued.

The applicant contends that the location of the existing dwelling, built in 1943, creates a unique physical condition on the lot. Because the applicant wishes to use the existing foundation, located as close as 2.91 feet from the western side lot line, a variance is required in order to construct a new dwelling. Their letter explains that if the variance is not granted, the entire foundation will need to be excavated to move the location of the new house.

Agency Comments

The **Health Department** does not have an approved plan for this project, but has no objection as long as a plan is submitted and approved by their department.

The Inspections & Permits Engineering Section does not support this request.¹

Variance Criteria

For the granting of a 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 considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the subject property is irregularly shaped, and the existing dwelling is located 2.91 feet to the western side lot line. The granting of a variance to rebuild the dwelling in the same location would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

With mitigation, the granting of the variance should not reduce forest cover in the limited development areas of the critical area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

This Office recognizes that a variance does not necessarily require pre-approval by the Engineering Section and that, if approved, their comments would still have to be addressed at the

¹ Refer to the Inspections & Permits Engineering Section's comments for their detailed objection.

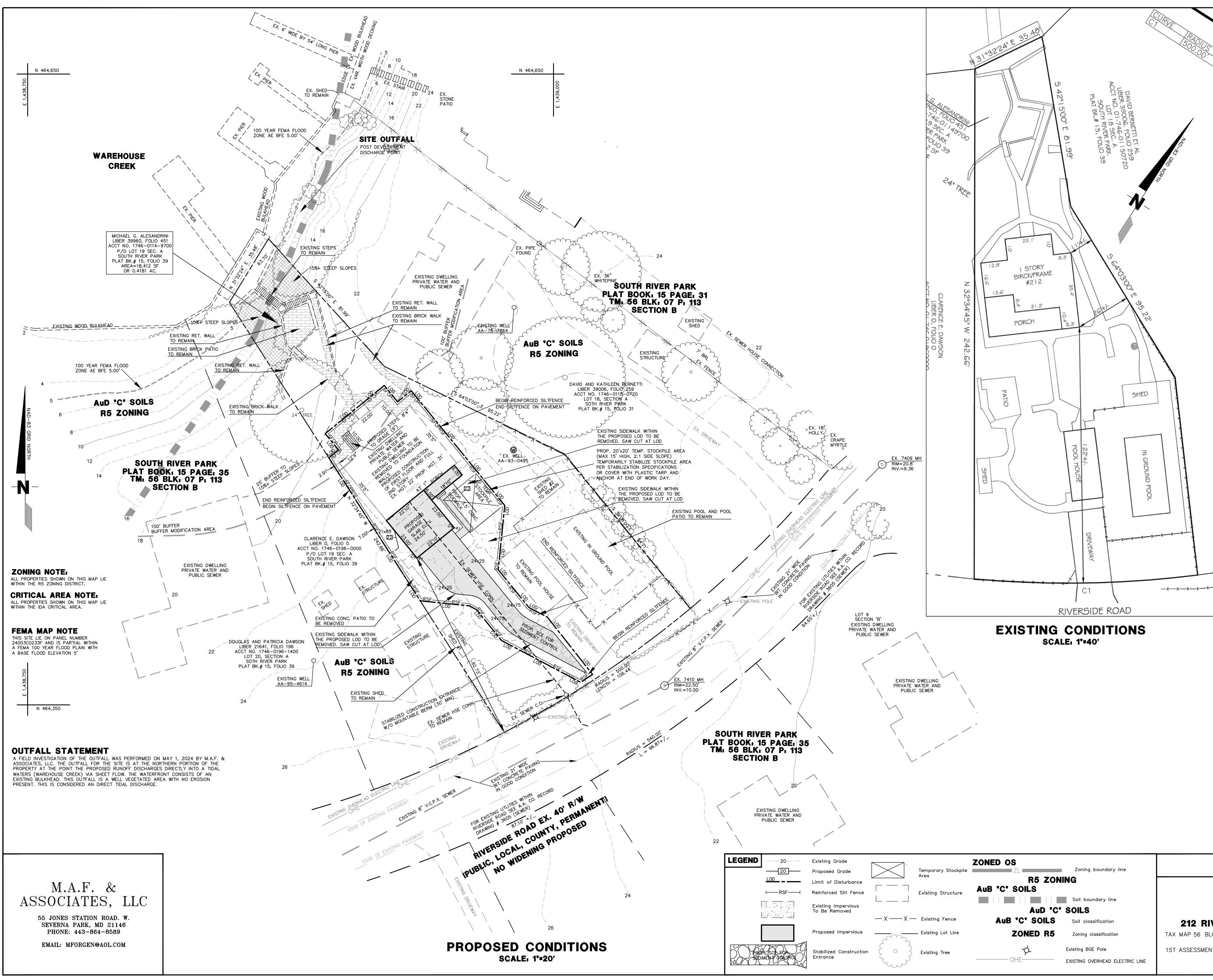
time of permitting. The applicant is advised that, if a zoning variance is granted, any change to the proposed improvements shown on the site plan that are necessary to address the Engineering comments, may require a new variance.²

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 variances to § 18-2-701 to allow a dwelling with less setbacks than required, conditioned on the installation of temporary fencing along the western property line to ensure that the neighboring property is not trespassed upon or disturbed.

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.

² This refers to, for example, changes to the footprint or location of the dwelling to accommodate stormwater management which shifts the dwelling closer to the lot lines.



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Pool: 672 s.f. (to remain) Pool Patio: 1,777 s.f. (to remain)

Shed #1: 100 s.f. (to remain)

Shed #2: 166 s.f. (to remain) Driveway: 576 s.f. (to remain)

Concrete Walk/patio: 1,783 s.f. (1,096 s.f. to be removed) Brick Walk/patio: 1,002 s.f. (to remain)

Total: 8,316 s.f. (7,220 to remain)

8) Total proposed impervious: Dwelling addition 638 s.f. Driveway: 1,113 s.f. Walk: 98 s.f.

Total: 1,849 s.f.

9) Total impervious increase: 757 s.f.

10) Total mitigation required for lot coverage increase: 757 square feet 11) Plantings required: 757/100 = 7.57 or 24 shrubs

STORMWATER MANAGEMENT NOTE STORMWATER MANAGEMENT IS NOT REQUIRED FOR THIS SITE. THIS PROJECT IS A

DEMO/REBUILD PROJECT WITH LESS THAN 5,000 SQUARE FEET OF GROUND DISTURBANCE. PLEASE NOTE THERE IS NO GROUND DISTURBANCE FOR THE HOUSE FOUNDATION SINCE THE FOUNDATION IS EXISTING.

ADMINISTRATIVE SITE PLAN

SOUTH RIVER PARK E. PART OF LOT 19, SECTION A 212 RIVERSIDE ROAD, EDGEWATER, MD 21037

TAX MAP 56 BLOCK 7 PARCEL 114 TAX ACCOUNT #:1746-0114-9700 ZONING: R5 DATE: MAY 8, 2024 ANNE ARUNDEL COUNTY, MARYLAND

1ST ASSESSMENT DISTRICT

SHEET 1 of 1

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

May 10, 2024

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

RE: South River Park, E. Part of Lot 19, 212 Riverside Road, Edgewater MD 21037

Dear Planner:

Please accept this submittal of a variance for the above referenced project. We are proposing to remove the existing house to the first-floor decking, construction of a new single-family 2-story dwelling with a garage and porch on the above referenced property. The proposed dwelling is a 2-story dwelling with a height of 31'. The structure has an overall footprint of 43'1"x 68'5" and is setback 82.29' from the front property line, 92.73' from the southern property line, 2.91' from the western side property line and 11' from the eastern side lot line. This proposal will require a 4.09' zoning variance to allow development within the side lot line setback.

Please note this is a R5 zoned property and required setbacks are as noted in 18-4-701.

Pre-File comments:

Critical Area Team:

The Critical Area Team offers no objection, and states that a coverage variance is not required for the IDA.

Our response:

No response required.

Engineering:

The Engineering Division has reviewed the proposal for Engineering and Utility issues and noted that the proposal to demolish the existing dwelling and construct a dwelling on the same foundation does not meet the code's definition of a "new" single-family home. In addition, the LOD is less than 5000 SF. Due to this, the proposal would be exempt from the SWM regulations. SWM plantings would need to be provided for additional impervious areas within the IDA.

Our response:

We note that this is considered new construction and will submit a grading and sediment control plan as well as a building permit application. We acknowledge that swm is not required for this application.

Zoning:

The Zoning Administration Section offers no objection to the requested setback relief in order to rebuild using the existing foundation. A variance is not required for the proposed lot coverage in the IDA as its maximum is determined by the underlying zoning district.

Our response: No response required.

The required zoning variance is stated below.

WE REQUEST A 4.09' VARIANCE TO ARTICLE 18-4-701 THAT REQUIRES A SIDE LOT LINE SETBACK OF 7' SETBACK TO ALLOW THE CONSTRUCTION OF THE NEW DWELLING UTILIZING THE EXISTING FOOTPRINT. THIS PROPOSED DWELLING WILL BE CONSTRUCTED AS CLOSE AS 2.91' TO THE SIDE LOT LINE SETBACK.

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 site is an existing legal lot. The existing foundation is located as close as 2.91' from the western side lot line. The house was build in 1943. 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:

With the unique characteristics of this site, we are not able to build the new 2 story dwelling without the need of a variance. If a variance is not granted, it would cause an unnecessary hardship for the property owner. They would be required to excavate the entire foundation and move the location of the house.

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 only 73 square feet of the new dwelling within the side yard setback. This is a very minimal request. We are holding the same side setback as the existing house. We feel this is a minimal impact to this setbacks.

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 is similar in size to other homes in 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 will not reduce forest cover.

(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 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 increased impact on the public sewer system. The proposed disturbance is under 5,000 square feet and therefore exempt from storm water management.

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

Sincerely 2. Matthew A. Forgen

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: 5-10-2024
Tax Map # 56 Tax ID:	Parcel # Block # Lot # 1147	Section Corrections Corrections Redesign No Change Non-Critical Area *Complete Only Page 1 General Project Information
Project locati	e (site name, subdivision name, or other) on/Address ZIZ RUERSIE	South RIVER PARK LOT 19 at Ro. Mo Zip Z1037
Local case m Applicant: Company	Last name ALESS KR (A)	First name Halichter
Application Building Per Buffer Mana Conditional Consistency Disturbance Grading Per	gement Plan Use Report > 5,000 sq ft	Variance Rezoning Site Plan Special Exception Subdivision Other Variance Other Variance Subdivision Other Subdivision Other Subdivision Subdiv
Local Juriso	liction Contact Information: AACo Zoning Administration Section	First name
Phone #		nse from Commission Required ByTBD
Fax #		Hearing date TBD

Revised 12/14/2006

SPECIFIC PROJECT INFORMATION

Describe Proposed use	of project site:	
REBUILD 15	T FLOOR, CONSTRUCT	240 FLOOR, GNRACE
Atb PORCH	ADDITIGH	
Intra-Family Transfer Grandfathered Lot	Yes V	Growth Allocation Buffer Exemption Area
Project Type (check al	ll that apply)	
Commercial Consistency Report Industrial Institutional Mixed Use Other		Recreational Redevelopment Residential Shore Erosion Control Water-Dependent Facility
SITE INVENTORY (I	Enter acres or square feet)	Acres Sq Ft
	A area Sa Et	

	Acres	Sq Ft	Total Disturbed Area
IDA Area	0.4181	18,412	Hộc
LDA Area			
RCA Area	·		# of Lots Created
Total Area	0.4181	18,412	

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		2917	Existing Lot Coverage		8316
Created Forest/Woodland/Trees		0	New Lot Coverage		1849
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		1096
			Total Lot Coverage		9069

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		382	Buffer Forest Clearing		0
Non-Buffer Disturbance		4,218	Mitigation		0
Variance Type Buffer Forest Clearing HPA Impact Lot Coverage Expanded Buffer Nontidal Wetlands Setback Steep Slopes Other		Bai De Dw Dw Ga Ga Pat	ck velling Addition rage zebo io ool		

South River Park 212 Riverside Road, Edgewater MD 21037

CRITICAL AREA REPORT

PREPARED BY: M.A.F. & ASSOCIATES, LLC 55 Jones Station Road, W. Severna Park, MD 21146

443-864-8589

May 10, 2024

INTRODUCTION

The property is located at 212 Riverside Road, Edgewater MD 21037. This is a legal lot as defined by Article 17-1-101 (63). The property owner is proposing rebuild the first floor, construct a second floor and an addition (garage and porch) to the existing single-family dwelling that falls within the 100' buffer to tidal waters. The lot is in R5 zoning district. This lot lies entirely within the IDA portion of the Chesapeake Bay Critical Area.

VICINITY MAP

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report is a portion of the Critical Area Map with the site located.

NARRATIVE

EXISTING CONDITIONS

The lot is currently an improved single-family dwelling located partially within the 100' buffer to tidal waters. The lot is in R5 zoning district. The property slopes from the road to the water's edge. The slopes are approximately 5% in the location of the proposed addition.

The was little wildlife seen around the property at the time of inspection. Some birds and waterfowl were witnessed at the time of the inspection. It is expected that there is very little wildlife use on the property since it is currently developed with a single family dwelling.

PROPOSED DEVELOPMENT

The property owner is proposing to rebuild the first floor, construct a second floor and an addition (garage and porch) to the existing single-family dwelling that lies within the side yard setback. We are required to obtain a 4.09' variance to the side yard setback

STORMWATER MANAGEMENT

During construction, sediment and erosion control measures will be employed. Storm water management is not required for this proposal.

IMPACT MINIMIZATION

Due to the location of the existing dwelling, we feel that this development plan demonstrates a minimal impact on the environment.

HABITAT PROTECTION AREAS

The habitat protection area on this property is the 100' buffer to tidal waters.

AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS

The proposed conditions of the site include the construction of a new house and driveway. The site calculations are as follows:

Total site area	18,412 sf
Existing woodland	2,971 sf
Proposed clearing	0 sf
Proposed planting	to be determined.
Existing impervious coverage prior	
to the proposed lot coverage	8,316 sf
Allowed lot coverage	No limitation within the IDA
	portion of the Critical Area
Proposed lot coverage	1,849 sf
Proposed lot coverage reduction	1,096 sf
Existing and proposed lot coverage	9,069 sf

CONCLUSIONS

The lot in question is a legal lot located in an established community. It's not possible to construct the proposed dwelling addition without the need for the requested variance based on the location of the existing dwelling.

As proposed, the development of the lot does not have an adverse impact on the plant or wildlife habitat of the Critical Area. The proposed dwelling addition and site improvements will not adversely impact adjacent properties.

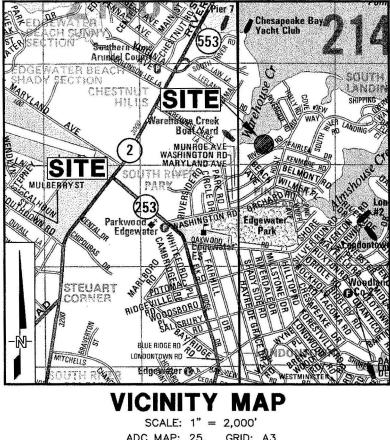
PLANS

A plan showing the site and its improvements is attached to this report.

ADDITIONAL INFORMATION

A Notification of Project Application for the Critical Area Commission is included in this package.

The fieldwork was conducted on May 1, 2024



ADC MAP: 25, GRID: A3 Copyright ADC The Map People Permitted Use Number 20811204

CRITICAL AREA MAP



100 📕 ft

50

THIS MAP IS NOT TO BE USED FOR NAVIGATION Δ



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

- FROM: Brian Chew, Program Manager Bureau of Environmental Health
- DATE: May 24, 2024
- RE: Michael Alesandrin 212 Riverside Road Edgewater, MD 21037
- NUMBER: 2024-0091-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

2024-0091-V - setbacks - sfd

Menu	Cancel	Help		
			 Habianu Zeleke Current Status Complete w/ Comments Action By Habtamu Zeleke Comments Variance request: Variance to allow a dwelling with less setbacks than required. 1. How to manage the runoff water quality from the proposed garage? is there additional environmental mitigation, reforestation preparation, and improved water quality? 2. Provide an ESD map that shows clearly how the existing impervious surface areas are being treated. Please note that all surfaces must be treated and management at a specific location to account for untreated areas is not permitted for single-family home development. 3. Based on the plan provided, it appears that the property will be served by a private well and a public sewer. 4. The stormwater management, utility/Engineering design additional review, and comments for the site shall occur at the grading permit stage. 	Due Date 06/03/2024 Assigned to Depart Engineering Status Date 06/03/2024 Overtime No Start Time
			 Based on the above comments and proposed site design, this office does not support this request. End Time 	Hours Spent
			Billable No Time Tracking Start Date In Possession Time (hrs)	0.0 Action by Departme Engineering Est. Completion Da Display E-mail A
			Estimated Hours 0.0 Comment Display in ACA	Display Comme
			 All ACA Users Record Creator 	
			Licensed Professional Contact	
			Task Specific Information	

Expiration Date Reviewer Phone Number Review Notes Reviewer Email **Reviewer Name**

