

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

APPLICANT: Number 5 Maryland Ave LLC

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0050-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: May 22, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located at 1724 Westmoreland Trail in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,528 square feet of land and is located on the southern side of Westmoreland Trail, approximately 250 feet south of Birdbrook Trail. It is identified as Lots 11 and 12 of Parcel 41 in Block 3 on Tax Map 45 in the Epping Forest subdivision.

The property is zoned R1 – Residential District, lies entirely within the Chesapeake Bay Critical Area overlay, is designated as primarily LDA – Limited Development Area with RCA – Resource Conservation Area at the southeastern tip, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a one-story dwelling, a pier, and other associated facilities.

PROPOSAL

The applicant proposes to redevelop an existing residential lot with a new single-family detached dwelling and associated facilities.

REQUESTED VARIANCES

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance provides that a variance that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within eighteen months of approval. On October 10, 2023, the Administrative Hearing Officer approved a variance under Case No. 2023-0131-V to allow construction of a new dwelling with less setbacks than required and with disturbance to slopes of 15% or greater. That approval would have been valid until April 10, 2025. The applicant is requesting a variance to allow an additional 18-month extension in time to obtain a building permit while maintaining the previous approval.

FINDINGS

This application for an extension in time was properly made on March 20, 2025, prior to the expiration of the eighteen month time period.

The applicant's letter explains that the owners have required additional time to design the dwelling based on the final footprint and disturbances to slopes as approved by the Administrative Hearing Officer. The owners need to have the house redesigned to meet their needs, without changing the footprint that was approved by the variance. The site is on steep slopes with a septic system. These factors have led to the approval process taking longer than expected. The grading permit was submitted in October of 2024. The previous engineer no longer does single family permitting, and it took time to get the two appropriate files transferred and work started on the permit. The most recent grading permit resubmittal was done in March of 2025. The forestation agreement and bonds have been sent to the reviewer. Engineering has signed off on the project. The Health Department is in need of additional information on the existing and proposed dwelling. The extension is needed to ensure that the owners can construct the dwelling that was approved by the variance. The applicant concludes that it is not possible to have the permits issued by April 10, 2025.

Based on the above, it appears that the applicant is actively working towards obtaining the necessary approvals to proceed with the proposed redevelopment and that a building permit should be reasonably obtainable within the requested time extension.

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

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 a variance to §18-16-405(a) to allow an additional eighteen months 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 20, 2025

Anne Arundel County
Office of Planning and Zoning
c/o Sterling Seay, Planning Administrator
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

**RE: VARIANCE REQUEST LETTER OF EXPLANATION FOR A TIME EXTENSION
VARIANCE #2023-0131-V
1724 WESTMORELAND TRAIL ANNAPOLIS, MD 2140
EPPING FOREST**

Dear Ms. Seay:

Our clients are requesting a variance to extend the time by which they may maintain the existing variance approval and have permits issued. Without a time extension variance, the current variance approval will expire on April 10, 2025. We request this deadline to be extended by 18 months, to September 10, 2026. As set forth below, good cause exists for the issuance of this extension. The design team has been working through the three-step development process of designing the site as permitted the variance.

Current Owners 2023-0131-V:
Number 5 Maryland Ave LLC

Procedural History:

The original variance application was heard on September 26, 2023. A decision was rendered on October 10, 2023. The variance was granted on this date. The grading/building permits have not been issued for reasons noted below.

The Need for an Extension:

The owners have required additional time to design the dwelling based on the final footprint and disturbances to slopes as approved by the Administrative Hearing Officer. The owners need to have the house redesigned to meet their needs, without changing the footprint that was approved by the variance. The site is on steep slopes, with a septic system. These factors have led to the approval process taking longer than expected. The grading permit was submitted October 2024. The previous engineer no longer does single family permitting, and it took time to get the

appropriate files transferred and work started on the permit. The most recent grading permit resubmittal was done in March 2025. The forestation agreement and bonds have been sent to the reviewer. Engineering has signed off on the project. The Health Department is in need of additional information on the existing and proposed dwelling. The extension is needed to ensure the owners can construct the dwelling that was approved by the variance. It is not possible to have the permits issued by April 10, 2025.

We appreciate your consideration of this request and feel it is in keeping with the spirit and intent of the Code. Should you have any questions or comments please feel free to contact our office at (410) 263-3212.

Sincerely,

Messick & Associates

Mike Gillespie

Mike Gillespie

cc. client, file



Tax Account Number: 224009452100

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