

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

APPLICANT: Denise & Walter Mack, Jr.

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0054-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: May 22, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (deck) and to perfect an accessory structure (swim spa) with less setbacks than required on property located at 7566 Holly Ridge Drive in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 5,132 square feet of land and is located on the south side of Holly Ridge Drive. It is identified as Lot 68 of Parcel 101 in Grid 23 on Tax Map 10 in Holly Ridge, a cluster subdivision.

The property is zoned R5 – Residential District. It is improved with a two-story single-family dwelling with a basement, a deck, and a recently constructed above grade swim spa.

PROPOSAL

The applicant proposes to construct an L-shaped deck, measuring 12' by 19' at its deepest/longest points, and proposes to perfect a recently constructed 8' by 15' above grade swim spa. The deck would wrap around the south and west sides of the swim spa.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R5 cluster subdivision shall be set back a minimum of 10 feet from the rear lot line and a minimum of seven feet from the side lot lines. The proposed deck would be constructed one foot from the rear lot line and six feet from the west side lot line, necessitating variances of nine feet and one foot, respectively.

§ 18-4-701 also provides that an accessory structure, including a swimming pool, in an R5 cluster subdivision shall be set back a minimum of seven feet from the rear lot line. The swim spa was erected one foot from the rear lot line, necessitating a variance of six feet.

FINDINGS

The subject property is rectangular in shape and abuts platted community open space to the rear. The swim spa was constructed under an approved permit (B02433504); however, the swim spa was not placed in the approved location and the final approval of that permit has since been rescinded. The spa was approved to be located approximately eleven feet from the rear lot line. Instead, it was actually installed one foot from the rear lot line.

The applicants' letter explains that the placement of the spa on the plat at the time of the permit application was drawn to the best of their knowledge and that the variance is necessary to avoid the damage, time, and materials that it would take to move the swim spa. The proposed deck is being built to make use of this swim spa in its current location. The applicants contend that the proposed 6-foot side setback aligns with neighboring properties and ensures sufficient space for privacy and safety considerations and that the 1-foot rear setback is necessary due to the layout of the property and ensures minimal impact on adjacent properties while maximizing the usable space for outdoor enjoyment. They add that this was the most level ground for placement as it allows for convenient entry from the porch as well as the basement. One of the applicants is a 100% disabled veteran; therefore, this convenience is needed for water therapy.

The **Health Department** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection to the request.

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 considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. There is nothing unique about the subject property as it relates to the other lots in the subdivision. It is unclear why the swim spa was represented to be 11 feet from the rear lot line on the building permit, yet erected one foot from the rear lot line. However, it appears that there was room to locate the swim spa elsewhere in the rear yard that would have met or would have come very close to meeting the required setbacks. While this Office does not take the expense of relocation lightly, such an expense does not in and of itself justify a variance. Furthermore, the applicant is now using the erroneous placement of the swim spa as justification for additional setback encroachment to accommodate an L-shaped deck just one foot from the rear lot line and closer to the side lot line than allowed.

Approval of the variance would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. However, because there was room to locate the swim spa in a location that would minimize if not eliminate the variance and because the location of the deck is being driven by the location of the swim spa, the variance cannot be considered the minimum necessary.

RECOMMENDATION

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

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.



Denise Mack

Denise Mack

BOUNDARY LOCATION DRAWING
I HEREBY CERTIFY THAT I HAVE INSPECTED
LOT NO 68 OF SECTION 2 PARCEL OF
HOLLY RIDGE (FORMERLY WOODVALE)
ANNE ARUNDEL Co., MD

SUBDIVISION FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS
AND THE IMPROVEMENTS ARE LOCATED AS SHOWN

THIS PLAT IS INTENDED TO BE USED BY THE CONSUMER TO SATISFY
THE REQUIREMENTS OF THEIR LENDER OR TITLE INSURER OR ITS
AGENT IN CONNECTION WITH TRANSFER, FINANCING, OR REFINANCING.
IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCA-
TION OF FENCES, GARAGES, POOLS, BUILDINGS, OR OTHER EXISTING
OR FUTURE IMPROVEMENTS, AND IT DOES NOT PROVIDE FOR THE
ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES. SUCH
IDENTIFICATION MAY NOT BE REQUIRED FOR TRANSFER OF TITLE OR
SECURING FINANCING OR REFINANCING.

THE SURVEY WORK SHOWN HEREON WAS PREPARED UNDER MY
RESPONSIBLE CHARGE AND IS IN COMPLIANCE WITH THE MINIMUM
STANDARDS OF PRACTICE SET FORTH IN COMAR TITLE 9, SUBTITLE
13, CHAPTER 6.



William R. Anderson

WILLIAM R. ANDERSON
MARYLAND PROFESSIONAL LAND SURVEYOR #21101, EXP. 31 AUGUST 2019

NOTE: THIS LOT LIES IN FLOOD ZONE "C" OF FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NO. 24003C6084F EFF. 2-18-15

DEED REFERENCE: LIBER _____ FOLIO _____
PLAT RECORDED IN PLAT BOOK 333
FOLIO NO. 25-30 PLAT NO. 17201-17206
SCALE 1" = 30' W.O. NO. 14-077

NOTE: DISTANCES TO PROPERTY LINES ARE ACCURATE TO WITHIN 1 FOOT
UNLESS OTHERWISE SHOWN.

5/2/18

FIELD DATE
31 AUGUST 2019

Variance Exception Letter

Permit Numbers- Swim Spa: B02433504 & Deck: B02434105

Property Owner: Denise and Walter Mack

Tax ID: 3415-9024-1862

Dear Anne Arundel County Department of Inspections and Permits,

I am writing to request a variance in setback requirements for the new proposed deck & the swim spa constructed at 7566 Holly Ridge Drive, Glen Burnie, Maryland 21060. We have carefully considered the design and placement of the deck so it works with the swim spa and believe that a variance to the setbacks is appropriate for the following reasons:

1. **Placement Considerations:** The swim spa was built and has an approved permit. The placement of the spa on the PLAT at the time of the permit application, was drawn to the best of the knowledge of the applicant. Since it has been built, it was brought to the attention that it doesn't meet the rear setback requirements. We encourage you to appreciate the damage, time and materials it would take to move the swim and make any necessary adjustments to meet this required set back, that was unbeknownst to the applicant. The deck is being built to make use of this swim spa.
2. **Proposed Setbacks:** We are requesting a 1' rear setback for the deck and swim spa and a 6' side set back for the deck.
3. **Rationale:**
 - o**Side Setback:** The proposed 6' side setback aligns with neighboring properties and ensures sufficient space for privacy and safety considerations.
 - o**Rear Setback:** The 1' rear setback is necessary due to the layout of the property and ensures minimal impact on adjacent properties while maximizing the usable space for outdoor enjoyment. This was the most level ground for placement. It allows for convenient entry from the porch as well as the basement. With a 100% disabled veteran this convenience is needed for water therapy.
4. **Impact Considerations:** The proposed setbacks will not impose any adverse impacts on neighboring properties or the community. It is in harmony with the surrounding environment and does not hinder the flow of natural light, air circulation, or privacy. The deck is at an elevation of 80" and the swim spa is at grade on a concrete pad.
5. **Community Benefit:** The swim spa construction aligns with aesthetic and functional improvements to the property, contributing positively to the neighborhood's appeal and quality of life.

We have attached detailed plans and drawings illustrating the proposed setbacks and how they comply with the spirit and intent of the zoning regulations. We kindly request your favorable consideration of this variance request.

Thank you for your time and attention to this matter.

Sincerely,

The Macks & Installer of deck: Maryland Decking



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 *BC*
Bureau of Environmental Health

DATE: April 8, 2025

RE: Walter Mack Jr.
7566 Holly Ridge Drive
Glen Burnie, MD 21060

NUMBER: 2025-0054-V

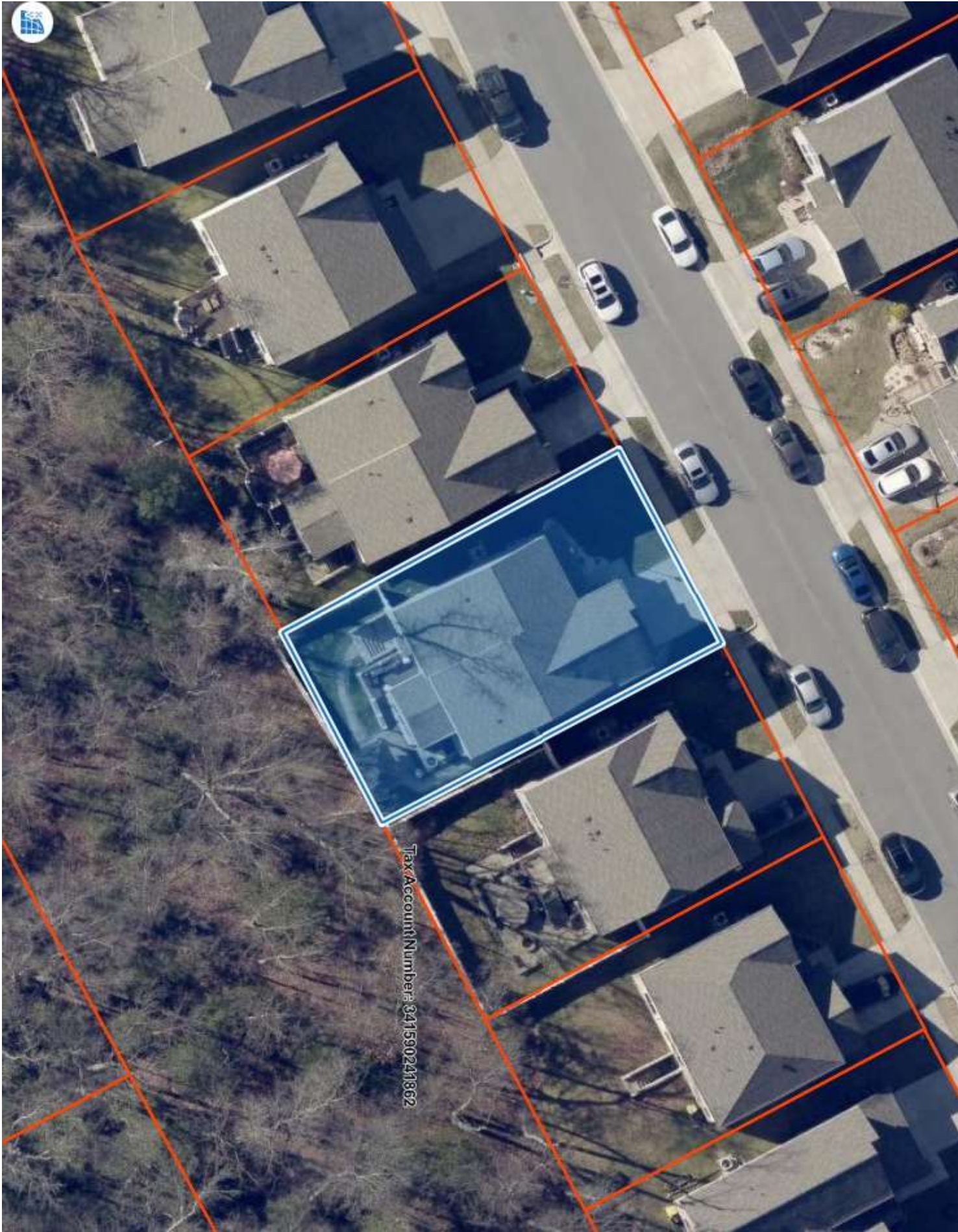
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) and to perfect an accessory structure (swim spa) with less setbacks than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay



Tax Account Number: 341590241862