

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

APPLICANT: Michael Klueh (Personal Representative of the Estate of Wilma J. Klueh) **ASSESSMENT DISTRICT:** 1

CASE NUMBER: 2025-0093-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: July 29, 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 3934 Bayside Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 5,000 square feet of land and is located on the northwest side of Bayside Drive. It is identified as Lots 4 and 5 of Parcel 92 in Block 18 on Tax Map 60 in the Shoreham Beach subdivision.

The property is zoned R5 – Residential District, lies entirely within the Chesapeake Bay Critical Area overlay, is designated as primarily IDA – Intensely Developed Area with two tiny fractions of the westernmost portion of the property designated as RCA – Resource Conservation Area. The site is not waterfront, but tidal wetlands and their associated buffer expands to encompass the property. The property is unimproved with the exception of a shed and playground equipment, both to be removed.

PROPOSAL

The applicant intends to develop the property with a two-story 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 November 21, 2023, the Administrative Hearing Officer approved a variance under Case No. 2023-0161-V to allow for the construction of a new dwelling with less setbacks and buffer than required and with disturbance to slopes of 15% or greater. That approval would have been valid until May 21, 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

The property was the subject of another earlier variance application (Case No. 2020-0164) under which approval was granted to allow a dwelling with less setbacks and buffer than required and with disturbance to slopes of 15% or greater. However, the dwelling was never constructed, and the variance expired.

This application for an extension in time for the more recent variance (Case No. 2023-0161-V) was properly made on May 13, 2025, prior to the expiration of the eighteen month time period.

The Engineer's letter explains that they are currently working through engineering comments with the Department of Inspections & Permits. Due to the lot's diminutive size, the environmental buffers, and the location of on-site and adjacent wells, the siting of acceptable stormwater management practices is proving to be problematic. Additionally, as the design is finalized, approval from MDE will be necessary for the wetland buffer disturbance. The approval process has involved coordinating environmental evaluations and soil borings, all conspiring to stretch the approval process timeline. The issues with the stormwater management should be finalized shortly, allowing the applicant to move forward with MDE approvals and the revised Modification to Code to disturb the wetland buffer. They anticipate having permits in-hand by the end of the year.

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

There is no evidence that this first 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.



May 31, 2025

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

**RE: 3934 Bayside Drive, Edgewater, MD 21037
Shoreham Beach, Plat 8, Lot 4
Variance Extension Application**

Sir or Madam:

Enclosed please find a complete variance extension application and it's required submittal package for the proposed development at 3934 Bayside Drive, Edgewater. On behalf of the applicant, we respectfully request an extension for the variance **2023-0161-V**. We are currently working through engineering comments with the Department of Inspections & Permits. Due to the lot's diminutive size, the environmental buffers, and the location of on-site and adjacent wells, the siting of acceptable SWM practices is proving problematic. Additionally, as the design is finalized approval from MDE will be necessary for the wetland buffer disturbance. The approval process has involved coordinating environmental evaluations & soil borings, all conspiring to stretch the approval process timeline. The issues with the SWM should be finalized shortly allowing us to move forward with MDE approvals & the revised Modification to Code to disturb the wetland buffer. We anticipate have permits in-hand by the end of the year.

If you have any questions regarding this variance request, or any of the materials contained within this submittal package, please contact me at 667-204-8042 or wbower@atwell-group.com. Thank you.

Respectfully,

ATWELL, LLC

Annapolis, MD



William Bower, PE, PLS
Sr. Project Manager



RAMSEY DR



Total length: 90.88 ft

Total length: 90.88 ft

Tax Account Number: 174902051901

BAYSIDE DR