

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

**APPLICANT:** John & Nancy Sweeney

**ASSESSMENT DISTRICT:** 7

**CASE NUMBER:** 2025-0107-V

**COUNCILMANIC DISTRICT:** 7

**HEARING DATE:** August 14, 2025

**PREPARED BY:** Sara Anzelmo  
Planner

SLA

**REQUEST**

The applicant is requesting a variance to allow a dwelling addition (deck) with less setbacks than required on property located at 4729 Washington Avenue in Shady Side.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 6,800 square feet of land and is located on the east side of Washington Avenue. It is identified as Lots 160 & 161 of Parcel 63 in Grid 6 on Tax Map 69 in the Idlewilde subdivision.

The property is zoned R5 – Residential District. The lot is not waterfront, but it is located entirely within the Chesapeake Bay Critical Area and is designated as LDA – Limited Development Area. It is improved with a one-story single-family dwelling with an attached rear deck and two sheds.

**PROPOSAL**

The applicant proposes to construct a 10'-9" by 7'-6" deck onto the front of the existing dwelling.

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Zoning Code provides that a principal structure in an R5 District shall be set back a minimum of 25 feet from the front lot line.<sup>1</sup> The proposed deck would be constructed 12'-6" from the front lot line, necessitating a variance of 13 feet rounded.

**FINDINGS**

The subject property is rectangular in shape and is undersized for the R5 District. More specifically, while the 80-foot lot width exceeds the minimum 60-foot width required, the 6,800 square foot lot size is slightly smaller than the minimum 7,000 square foot area required.<sup>1</sup>

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<sup>1</sup> Under Bill 72-24, effective July 1, 2025, the minimum front setback in an R5 District was reduced to 20 feet and the minimum lot area was reduced to 5,000 square feet. However, under that Bill, Section 17-2-101(b)(19) provides that an application for a building permit filed before July 1, 2025 shall be governed by the law as it existed prior to July 1, 2025. The subject building permit for the deck (B02434162) was accepted on March 11, 2025; therefore, the prior 25-foot front setback and 7,000 square foot lot area applies to this application.

The existing critical area lot coverage is 2,154 square feet, and no additional coverage is proposed with this application.

The variance letter explains that the existing house is 20 feet from the front lot line; therefore, the addition of a front deck would be impossible without variance relief. It also notes that the deck would come no closer to the front lot line than the existing stoop and steps. In a supplemental letter, the applicants added that they are hoping to increase their property value and increase living space since the inside of their home is 960 square feet. They attest that their back deck gets too hot through the day and the front is shady until 3:00 PM.

The **Health Department** does not have an approved plan for the proposed project, but has no objection to the request as long as a plan is submitted and approved by the Department.

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants. There does not appear to be anything unique about the subject property nor do exceptional circumstances exist that would prevent the applicants from reasonable use of this residentially zoned property.

The property is already developed with a dwelling and associated facilities, and the existing rear deck already provides an area for outdoor use and enjoyment. In fact, there is ample room in the rear yard for construction of a much larger deck without a variance. While the applicants note that excessive heat in the rear yard is causing the need for the proposed front deck, they have not explained why a roof over the existing rear deck or a rear screened porch could not be constructed in order to provide protection from the elements.

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 it appears that other options exist that would allow for a covered outdoor amenity area in the rear yard without the need for a variance, the requested variance is not warranted and cannot be considered the minimum necessary to afford relief.

### **RECOMMENDATION**

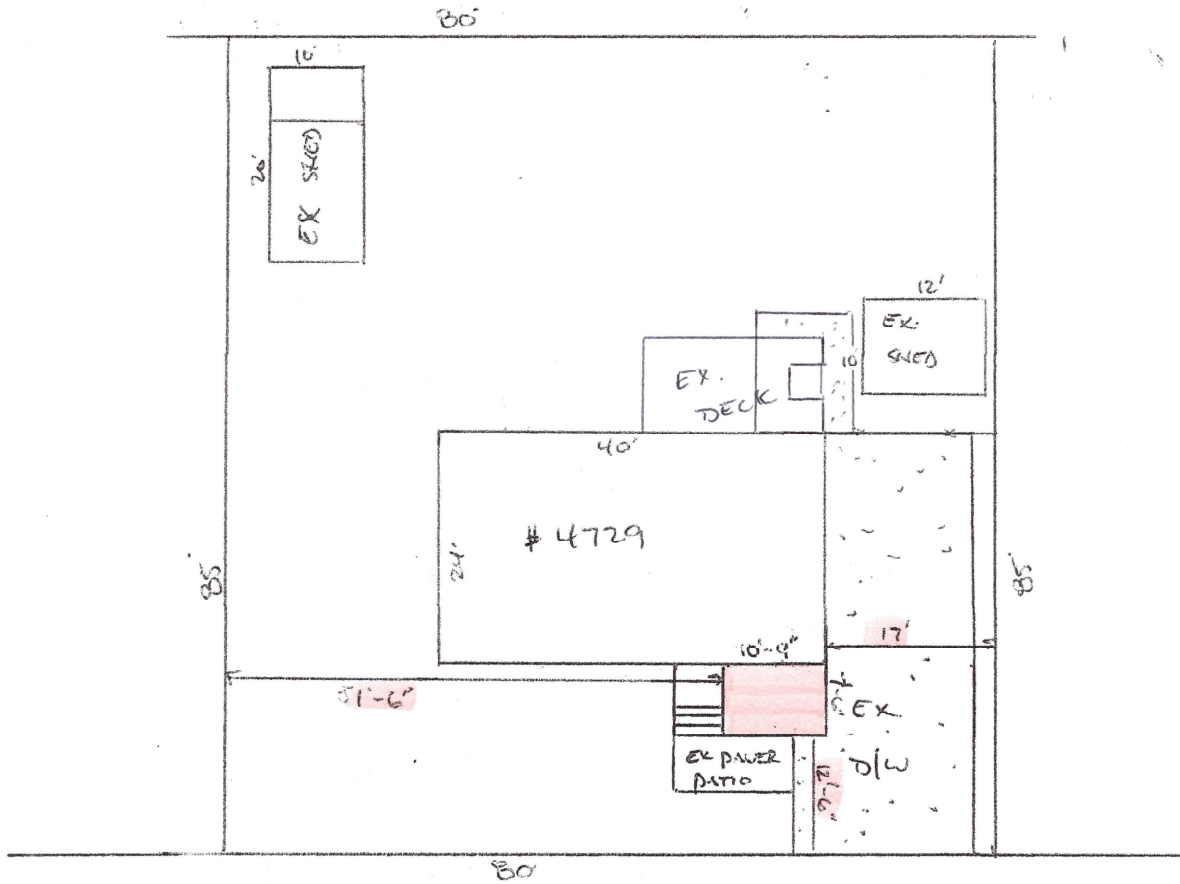
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the requested zoning setback variance.

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.

4729 WASHINGTON AVENUE

← North

Scale 1" = 20'



WASHINGTON AVENUE

### **Letter of Justification**

The owner of the residence located at 4729 Washington Avenue, Shady Side MD 20764, received comments for permit B02434162. The permit was to construct a 7'-6" x 10'-9" open deck adjacent to an existing front stoop on front of an existing single-family dwelling. The comments on the permit application have called for a variance to allow this deck to result in a 12'-6" setback from the front property line in lieu of the required 25' setback; thus, a 12'-6" variance.

As required for the granting of a variance, the lot in question does in fact exhibit unique physical conditions in terms of its shallowness with respect to the existing dwelling placement. The existing house is positioned at 20' from the front property line now, thus it is 5' closer to the required setback already. For this reason, there is no reasonable possibility of developing an ordinary front stoop at all without requesting a variance. Furthermore, there is an existing stoop with steps to grade on the front of the house. The proposed deck will not go any closer to the front property line than the stoop and steps do now...there will be no decrease in setback in other words.

Furthermore, because of exceptional circumstances shown which are other than financial considerations, the granting of this variance is necessary to avoid practical difficulties and unnecessary hardships and to enable the applicant to develop the lot. A common residential amenity such as a deck or open porch on the front of the dwellings are typical in this neighborhood. In fact, the adjacent owner to the left of the subject property has a covered porch on the front of their house and the houses are all generally constructed in line. Here the applicant wishes to use that area and only proposes an open deck, with no roof. Denying the variance would deny the same depth of projection they already have. This creates the practical difficulty of not having an ordinary front stoop.

While the property is in the critical area, there are no environmental features that need to be addressed by a variance (slopes, buffers, etc). Thus, the remaining factors necessary for all variances are included below.

As has been shown, this variance request is the minimum necessary to afford relief and is actually being proposed in the most feasible location possible. The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located because decks are ubiquitous on dwellings such as this one, making it more in character with the neighborhood. The variance will not substantially impair the appropriate use or development of adjacent property because the deck is small, and the neighbors already have similar structures. The variance will not reduce forest cover in the

limited development and resource conservation areas of the critical area, and no forest cover will be removed for this structure.

The application will not be contrary to acceptable clearing and replanting practices required for development in the critical area because no clearing will take place. However, the applicant is prepared to mitigate if necessary by replanting at the direction of the County. Nor will the variance be detrimental to the public welfare in any way as this deck is on a private residential lot.

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: 5/10/25

Tax Map #	Parcel #	Block #	Lot #	Section
0069	0063	-	160	-

**FOR RESUBMITTAL ONLY**

Corrections ☐  
Redesign ☐  
No Change ☐  
Non-Critical Area ☐

\*Complete Only Page 1  
General Project Information

Tax ID: 7465-9003-8191

Project Name (site name, subdivision name, or other) Sweeney Deck

Project location/Address 4729 Washington Avenue

City Shady Side Zip 20764

Local case number

Applicant: Last name Clancy First name Michelle

Company Applied + Approved Permits

**Application Type (check all that apply):**

Building Permit ☐  
Buffer Management Plan ☐  
Conditional Use ☐  
Consistency Report ☐  
Disturbance > 5,000 sq ft ☐  
Grading Permit ☐

Variance ☒  
Rezoning ☐  
Site Plan ☐  
Special Exception ☐  
Subdivision ☐  
Other ☐

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD



## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct 7'-6" x 10'-9" open Deck with front setback of 12'-6" in lieu of Required 25'

Intra-Family Transfer ☐  
Grandfathered Lot ☐

Growth Allocation ☐  
Buffer Exemption Area ☐

### Project Type (check all that apply)

Commercial ☐  
Consistency Report ☐  
Industrial ☐  
Institutional ☐  
Mixed Use ☐  
Other ☐

Recreational ☐  
Redevelopment ☐  
Residential ☒  
Shore Erosion Control ☐  
Water-Dependent Facility ☐

## SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	-	-
LDA Area	-	6800
RCA Area	-	-
Total Area	0.156	6800

Total Disturbed Area 

Acres	Sq Ft
0.009	81

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.009	476	Existing Lot Coverage	0.049	2154
Created Forest/Woodland/Trees	-	-	New Lot Coverage	-	-
Removed Forest/Woodland/Trees	-	-	Removed Lot Coverage	-	-
			Total Lot Coverage	0.049	2154

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

### Variance Type

Buffer ☐  
Forest Clearing ☐  
HPA Impact ☐  
Lot Coverage ☐  
Expanded Buffer ☐  
Nontidal Wetlands ☐  
Setback ☒  
Steep Slopes ☐  
Other ☐

### Structure

Acc. Structure Addition ☐  
Barn ☐  
Deck ☐  
Dwelling ☐  
Dwelling Addition ☐  
Garage ☐  
Gazebo ☐  
Patio ☐  
Pool ☐  
Shed ☐  
Other ☒ Deck

### **Critical Area Report Narrative**

The existing property in question is a residential lot improved upon by an existing detached single-family dwelling. The owner seeks to construct a small 7'-6" x 10'-9" open deck on the front of the existing dwelling. This will be constructed on post/pier foundation.

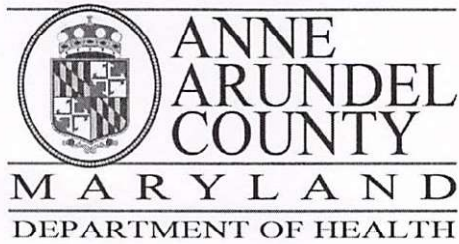
The predominant types of trees and shrubs on the property are all native to Anne Arundel County. One fully mature pin oak and another mature native tree are the canopy covers in the existing front yard. The house is flanked by varying smaller species shrubs. This lot is 6,800 square feet and it is estimated to be nearly 7% wooded. This equates to approximately 476 square feet of vegetation. The deck will occupy only approximately 81 square feet, but none of which in the vegetation areas. No vegetation will be removed for the structure. Regardless, the applicant is willing to mitigate the work by planting new vegetation in accordance with Anne Arundel County Code.

There will be no impacts on water quality and habitat from the construction as again, the foundation is on post/pier footings. However, should the approval of this requested variance necessitate other mitigation, the applicant will comply.

The impervious surface before construction of all existing areas totals 2,154 square feet. The deck is open and pervious. The total of all impervious surfaces would then stay 2,154 square feet.

The property does not contain any environmental features affected by this project. There are no other habitat protection areas including rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, or plant and wildlife habitats of local significance.






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: June 10, 2025

RE: John R. Sweeney  
4729 Washington Ave.  
Shady Side, MD 20764

NUMBER: 2025-0107-V

SUBJECT: Variance/Special Exception/Rezoning

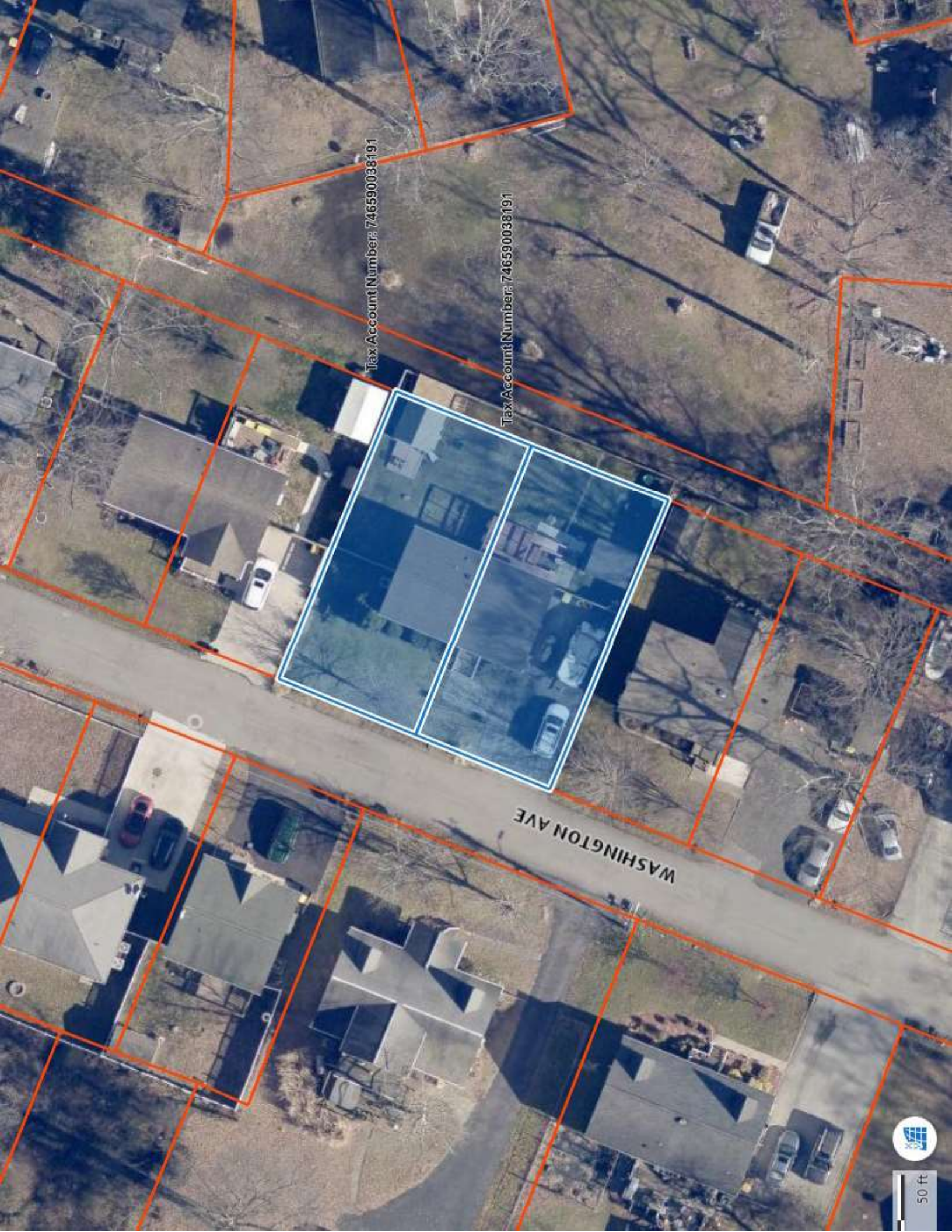
The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks than required.

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





Tax Account Number: 746590038191

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WASHINGTON AVE



50 ft