

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


**APPLICANT:** Patricia Farley

**ASSESSMENT DISTRICT:** 3rd

**CASE NUMBER:** 2025-0142-V

**COUNCILMANIC DISTRICT:** 5th

**HEARING DATE:** September 30, 2025

**PREPARED BY:** Donnie Dyott Jr.   
Planner

**REQUEST**

The applicant is requesting a variance to allow a dwelling addition (deck) with less setbacks than required on property located at 1075 Shore Acres Road in Arnold.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 8,000 square feet of land and is identified as Lot 33 of Parcel 37 in Block 22 on Tax Map 33 in the Shore Acres subdivision.

The property is zoned R2 - Residential District and is currently improved with a single family detached dwelling and associated facilities. This is a waterfront property on the Magothy River located within the Chesapeake Bay Critical Area with a designation of LDA - Limited Development Area. The site is mapped within a BMA - Buffer Modification Area.

**APPLICANT'S PROPOSAL**

The applicant seeks approval to construct a deck with steps to grade on the waterside of the existing dwelling measuring approximately 12' X 27'. Also proposed but not requiring variance relief is a 6' wide cement walkway at the base of the stairs and a porch with steps to grade on the east side of the dwelling.<sup>1</sup>

**REQUESTED VARIANCES**

§ 18-4-601 of the Anne Arundel County Zoning Code stipulates that principal structures in an R2 - Residential District shall be set back a minimum of 30 feet from the front lot line. The proposed deck addition will be located approximately 19 feet from the front lot line (mean high water) and the proposed stairs will be located approximately 15'3" from the front lot line, necessitating variances of 11 feet and 15 feet respectively.<sup>2</sup>

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<sup>1</sup> While the case was advertised as needing critical area variances, it has been determined that the proposed cement at the base of the stairs is considered direct water access and therefore does not require a variance.

<sup>2</sup> Effective July 1, 2025, Bill 72-24 reduced the front setback in the R2 District from 30 feet to 25 feet. While 25 feet is the current setback for the front lot line, the building permit associated with this proposal appears to have been filed prior to July 1, 2025. As such, the 30 foot front setback is applicable to this proposal.

## **AGENCY COMMENTS**

The **Health Department** commented that they do not object to the request as the proposal does not adversely affect the well water supply system or on-site sewage disposal system.

The **Critical Area Team (Office of Planning and Zoning)** commented that they have no objection to the request.

## **FINDINGS**

The proposed lot coverage after construction will be 1,922 square feet, with exact lot coverage to be determined at the time of permit.

The applicant describes that they would like to replace the waterside deck that was removed from the dwelling more than 18 months ago and that the removed deck dates back to 1986 when her father updated the house.

The site is constrained by the location of the existing dwelling in relation to the shoreline and the fact that a waterside deck historically existed within the setbacks for over 30 years. While not an in-kind replacement, the proposed deck is located in the same general area of the original deck that dates back to 1986. Waterside decks are a common waterfront amenity and the site currently does not have a waterside deck. Constructing a waterside deck within the Code requirements would be difficult to accomplish without relief from the Code. As such some relief is warranted to allow the applicant to avoid practical difficulties or unwarranted hardship.

The applicant has proposed a deck in the same general area of the deck that was removed and is reasonable in size. As such, the variance as proposed is considered the minimum necessary to afford relief by this Office. There is no evidence that the proposed variance would alter the essential character of the neighborhood or be detrimental to the public welfare. The variance would not appear to cause any adverse effects to neighboring properties and will not reduce forest cover in the LDA or RCA.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends **approval** of a zoning variance to §18-4-601 to allow construction of the dwelling addition as shown on the site plan.

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.