

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

**APPLICANT:** Stuart & Jeanette Engel

**ASSESSMENT DISTRICT:** 7

**CASE NUMBER:** 2025-0144-V

**COUNCILMANIC DISTRICT:** 7

**HEARING DATE:** September 25, 2025

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicants are requesting variances to allow a dwelling addition (deck) with less setbacks than required and that does not comply with the designated location of a principal structure on a waterfront lot on property located at 609 Irvin Avenue in Deale.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 5,250 square feet of land and is located on the southwest side of Irwin Avenue. It is identified as Part of Lot 6 of Parcel 301 in Grid 7 on Tax Map 78 in the Owings Beach subdivision.

The property is zoned R5 – Residential District. This waterfront lot is located on Rockhold Creek, is located within the Chesapeake Bay Critical Area overlay, and is designated as part LDA – Limited Development Area and Part IDA – Intensely Developed Area. It is improved with a two-story single-family detached dwelling and other associated facilities.

**PROPOSAL**

The applicants propose to construct a second story deck, measuring 10' by 11'-7" and 12'-9" high, over a portion of an existing first floor deck on the waterfront side of the dwelling. Also proposed, but not requiring variances, are a 4' by 13'-10" deck extension onto the existing first floor deck on the waterfront side and a 4'-9" by 11'-3" replacement entry deck on the roadside.

**REQUESTED VARIANCES**

§ 18-2-402(1) of the Anne Arundel County Zoning Code provides that the location of a principal structure on a waterfront lot is based in part on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. Because the proposed deck addition would be located closer to the shoreline than the dwellings on the lots to the immediate north and immediate south, a variance to this provision is required.

§ 18-4-701 provides that a principal structure in an R5 District shall be set back a minimum of seven feet from each side lot line. The proposed second story deck would be located 4.5 feet from the southeast side lot line, necessitating a variance of three feet, rounded.

## **FINDINGS**

The subject property is irregular in shape and is both undersized and narrow for the R5 District. More specifically, the variable width lot is narrower than the minimum 60-foot width required, and the 5,250 square foot area is smaller than the minimum 7,000 square foot area required.<sup>1</sup>

The Critical Area Project Notification form shows that the existing coverage is 1,429 square feet and the proposed coverage would be 1,481 square feet. However, this may be erroneous because attached decks would not increase the critical area lot coverage. If the variance is approved, the applicant will be required to demonstrate compliance with the coverage limitation at the time of permitting.

The applicants' letter explains that their intent is to extend the new structure to match the existing footprint of the home. They opine that the encroachment would not obstruct any neighboring sight lines or access, as the house already has existing decks with similar layouts. They conclude that the requested adjustment would maintain a consistent appearance within the neighborhood and would allow for functional use of the space while preserving the intent of the setback regulations.

The **Health Department** has reviewed the well water supply system and has determined that the proposed request would not adversely affect this system. The Department has no objection.

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, including a small second story balcony and an expansive waterfront deck (11'-7" deep by 30'-11" wide) that spans beyond the width of the house. These areas already provide ample room for outdoor use and enjoyment. The addition of even more decking, especially when variance relief is being sought, is considered to be excessive.

Approval of the variance would not necessarily alter the essential character of the neighborhood or be detrimental to the public welfare. However, because the dwelling already projects much closer to the shoreline than the dwellings on the adjacent lots, the addition of a second story deck may negatively impact the air, light, and view from the dwelling located to the immediate south. Given the substantial decking already in place, the requested variance is not warranted and cannot be considered the minimum necessary to afford relief.

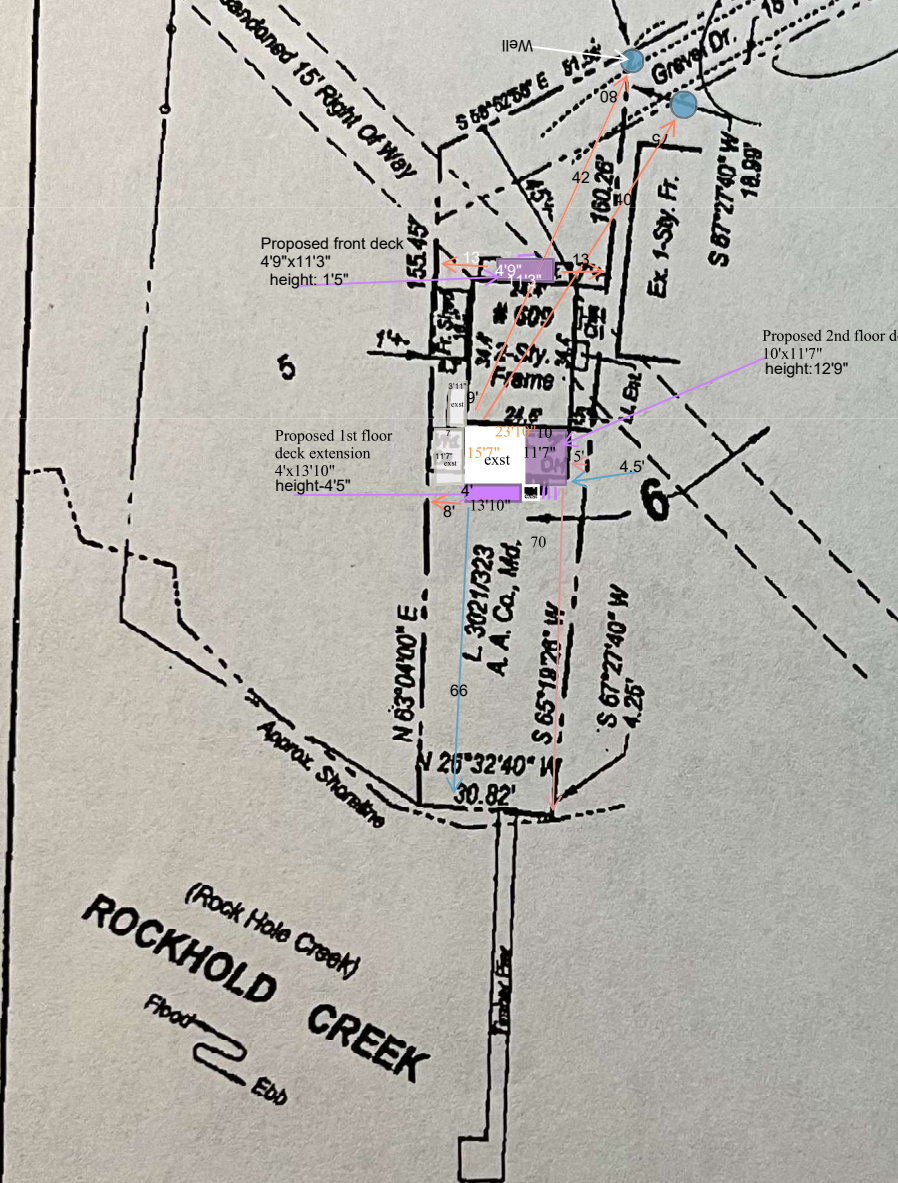
## **RECOMMENDATION**

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 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.

---

<sup>1</sup> Under Bill 72-24, effective July 1, 2025, the minimum lot width required in an R5 District was reduced to 50 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 (B02437309) was accepted on May 28, 2025; therefore, the prior minimum 7,000 square foot lot area and minimum 60-foot lot width applies to this application.



# NOTES:

1. This plat is of a benefit to a consumer only insofar as it is required by a lender, title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.
3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
4. If the surveyor's seal is not embossed and the surveyor's signature in blue ink, the plan and its limitations are copies and should be assumed to have been altered, incomplete or fraudulent.

## F.E.M.A./F.L.R.M. FLOOD ZONE INFO.

Zone(s): A7 Base Flood Elev(s): 6  
Community/Panel No.: 24008-59  
Suffix: C  
Panel Eff./Rev. Date: 5/2/83

Tax Map: 78 Grid: 7 Parcel(s): 301  
Lot(s): P/O Lot 6 Block: Section:  
Plat:  
Subdivision: Property Of Francis G. Schutt - OWINGS BEACH  
Plat/Deed Ref.: FSR 71/133; L.3021/323 A. A. Co., Md.  
Scale: 1" = 40'

**JOHN A. CAMPBELL**  
Land Surveying, Planning, Permits

5762 Swamp Circle Rd  
PO Box 157 Deale MD 20751  
410-867-2795  
Fax: 410-867-7395

I have surveyed this property for the purpose of locating the improvements shown.

John A. Campbell Date  
Professional Land Surveyor No. 11013



File: 2292hld.pcs

Acct. No.: 2292

**To:** Anne Arundel County Permits Department  
**Re:** Permit #B02437309 – 609 Irvin Ave, Deale, MD 20751  
**Parcel ID:** 759704592108

**Subject: Request for Setback Encroachment Explanation**

Dear Reviewer,

We are submitting this letter in reference to Permit #B02437309 for the property located at **609 Irvin Ave, Deale, MD 20751**.

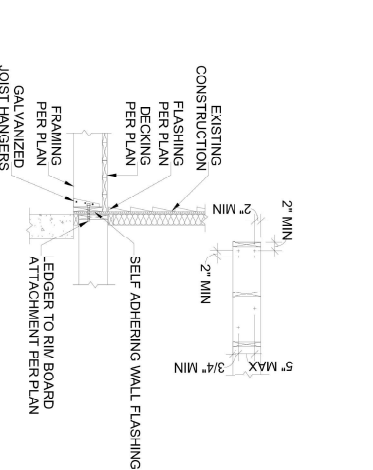
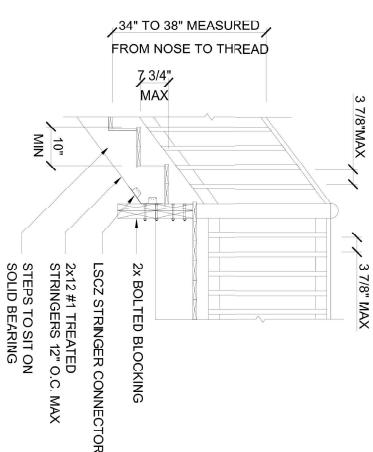
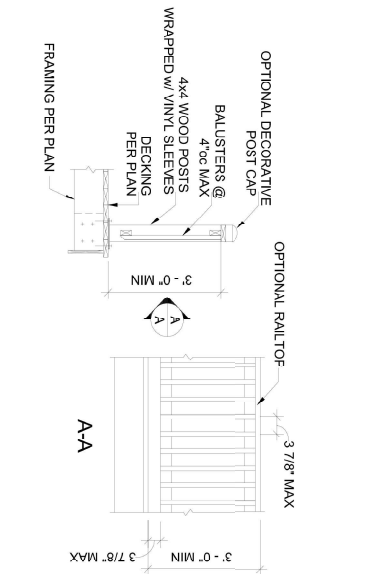
We are requesting approval to encroach into the side yard setback by **2 feet**—from the required **7 feet to 5 feet**—in order to align the proposed construction with the existing structure of the house, which currently sits at the 5-foot mark. Our intent is to extend the new structure (a deck) to match the existing footprint of the home.

This encroachment does **not obstruct any neighboring sight lines or access**, as the house already has existing decks with similar layouts. The requested adjustment would maintain a consistent appearance within the neighborhood and allow for functional use of the space while preserving the intent of the setback regulations.

We respectfully ask that the County consider this explanation in support of our request. Please let us know if any additional information or documentation is needed.

Thank you for your time and consideration.

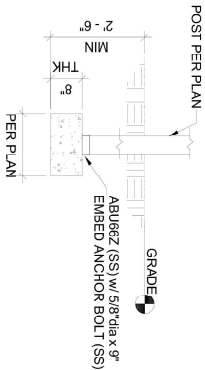
Sincerely,  
Maryland Decking



**A** TYPICAL POST TO DECK DETAIL

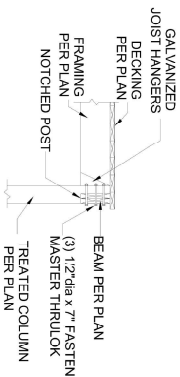
**B** TYPICAL STAIR DETAIL

**C** TYPICAL LEDGER DETAILS

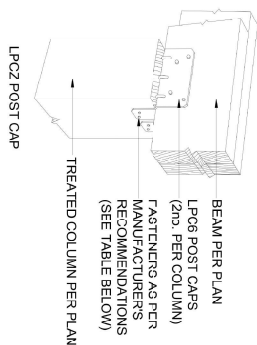
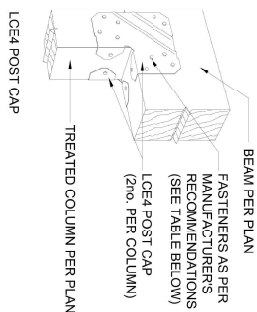


NOTE:  
FOOTINGS WITHIN 9FT OF EXISTING STRUCTURE TO EXTEND DOWN  
TO MATCH EXISTING STRUCTURE FOUNDATION DEPTH

**D** TYPICAL POST TO FOOTING DETAIL



**E** TYPICAL BEAM TO POST DETAIL

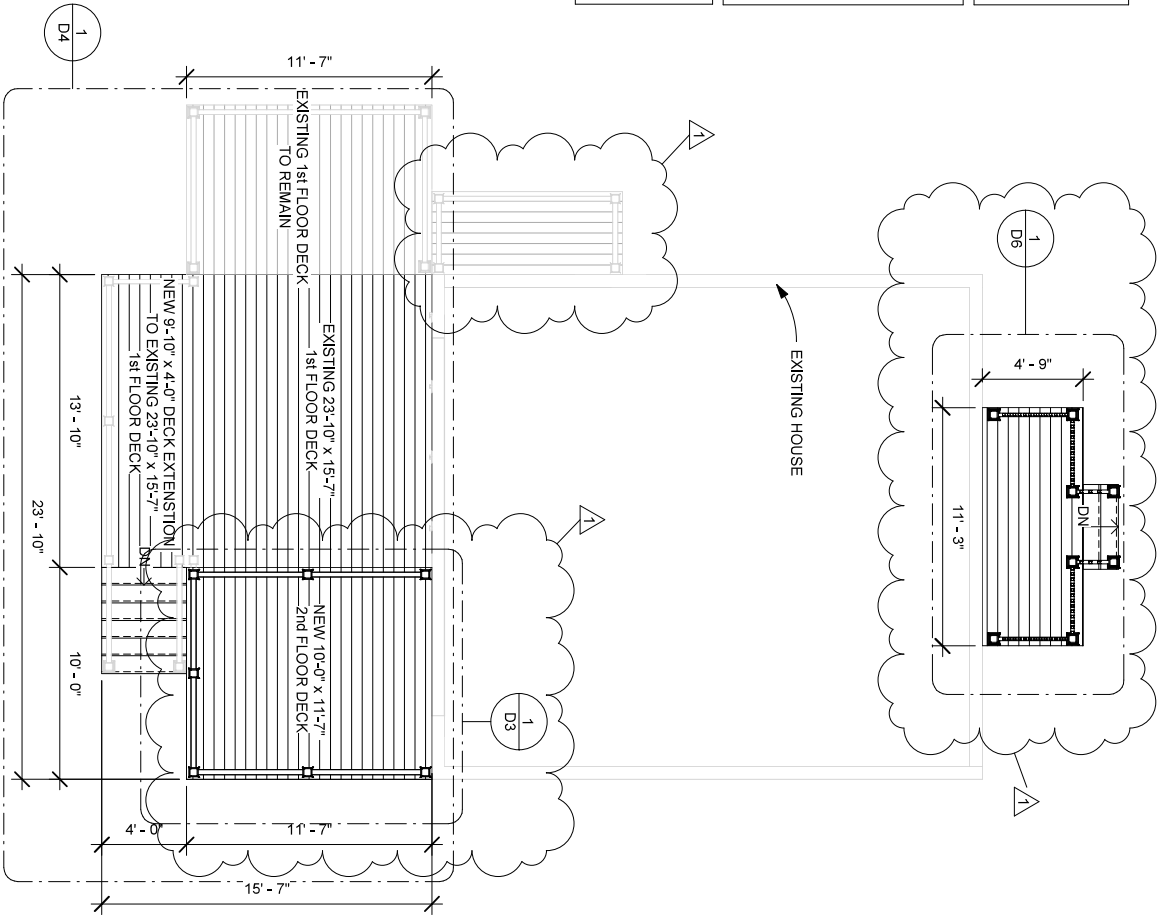


Model No.	Dimensions (in.)		Nails		Fasteners	
	W	L	Beam	Post	Beam	Post
LPC6Z	5 9/16	5 1/2	8-10d	8-10d	-	-
LCE4Z	-	5 3/8	14-16d	10-16d	14-SD #10x1 1/2	10-SD #10x1 1/2

- 10'-0" x 11'-7" - 2nd FLOOR DECK NOTES: (NEW DECK)
- COMPLETE DEMO EXISTING DECK
- BUILD NEW 10'-0" x 11'-7" DECK
- FIBERON GOODLIFE BEACH HOUSE- COMPOSITE DECKING
- EXISTING RAILINGS TO BE REUSED (DAMAGED RAILINGS TO BE REPLACED AS REQUIRED)
- POST AND BEAM WRAPPED W/ WHITE PVC
- WHITE PVC FASCI

- 23'-10" x 15'-7" - 1st FLOOR DECK NOTES: (REDECK & DECK EXTENSION)
- DEMO EXISTING DECKING, RAILINGS & PVC TRIM
- EXISTING FRAMING TO REMAIN
- REMOVE & REPLACE EXISTING FRONT POSTS AND INSTALL (2) NEW PT 6x6 CONTINUOUS POSTS AS PER PLAN
- 9'-10" x 4'-0" DECK EXTENSION @FRONT AS PER PLAN
- REDECK EXISTING DECK w/ NEW FIBERON GOODLIFE BEACH HOUSE- COMPOSITE DECKING
- EXISTING RAILINGS TO BE REUSED (DAMAGED RAILINGS TO BE REPLACED AS REQUIRED)
- NEW WHITE PVC FASCI
- EXISTING LATTICE TO BE REUSED (DAMAGED LATTICE TO BE REPLACED AS REQUIRED)

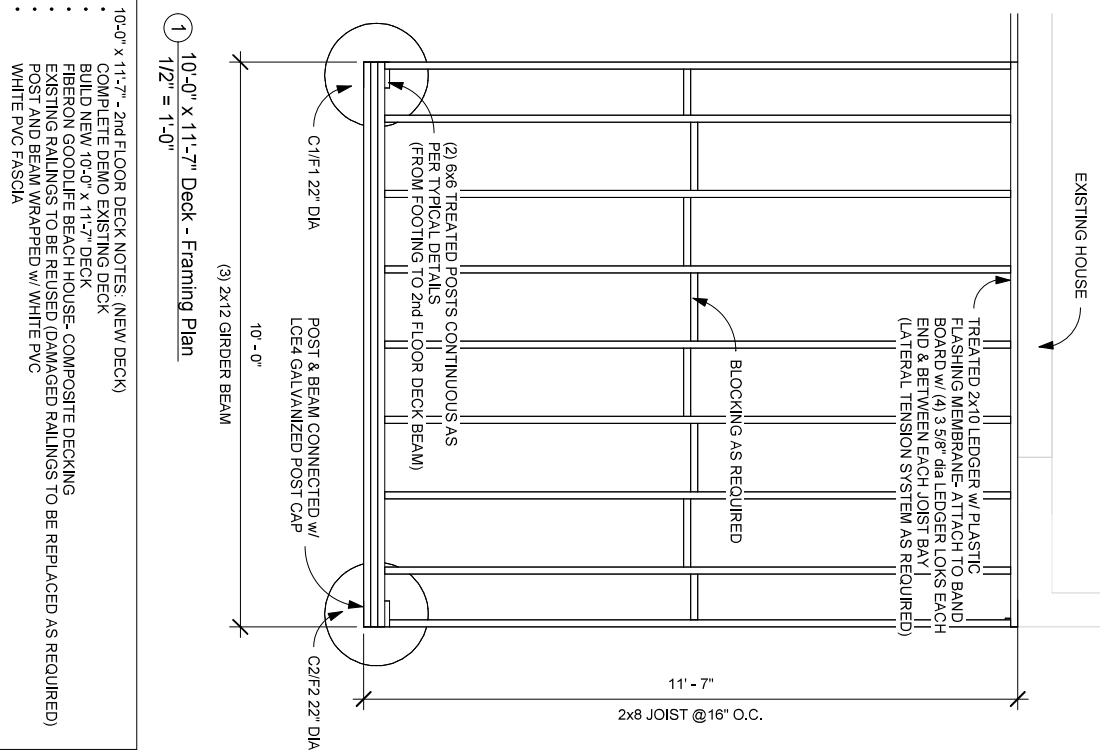
- REVISION 1 NOTES:
- 9'-0" x 3'-11" EXCLUDED FROM SCOPE OF WORKS
- 10'-0" x 11'-7" DECK UNDER-DECK DRAINAGE - REMOVED FROM SCOPE OF WORKS
- 10'-0" x 11'-7" DECK - WHITE SOFFT CEILING - REMOVED FROM SCOPE OF WORKS
- NEW 11'-3" x 4'-9" FRONT DECK (EXISTING DECK TO BE REMOVED)



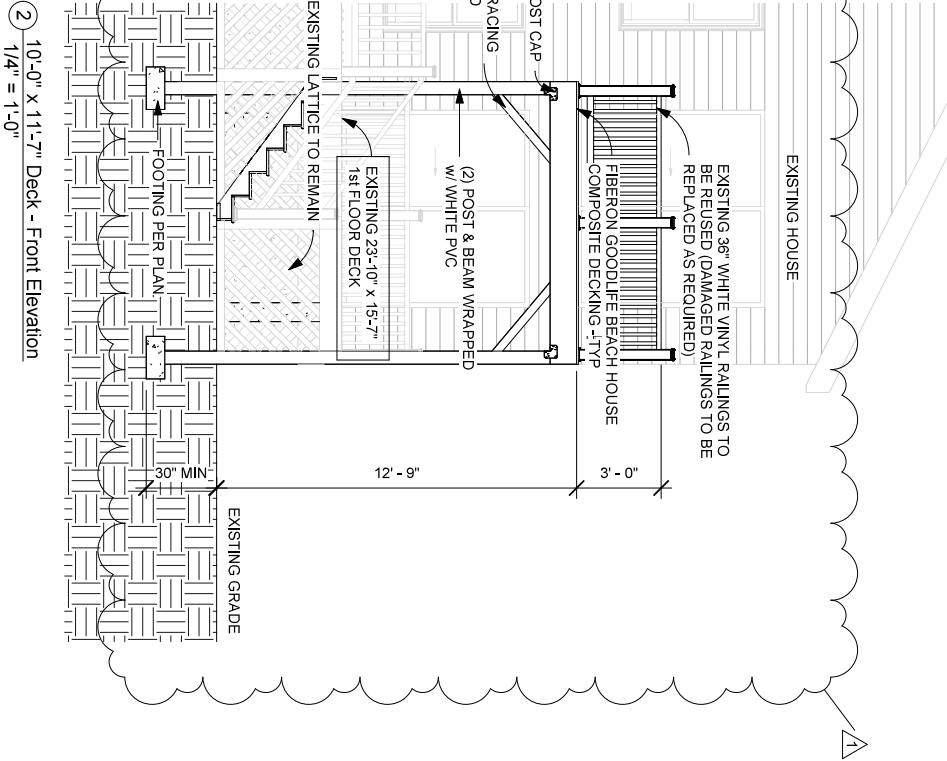
Engel  
609 Irvin Avenue, Deale, MD 20751

DATE 08/01/25  
DRAWN BY 5628  
SCALE 3/8" = 1'-0"  
DRAWN BY: WME  
REV: 1-24/06/25

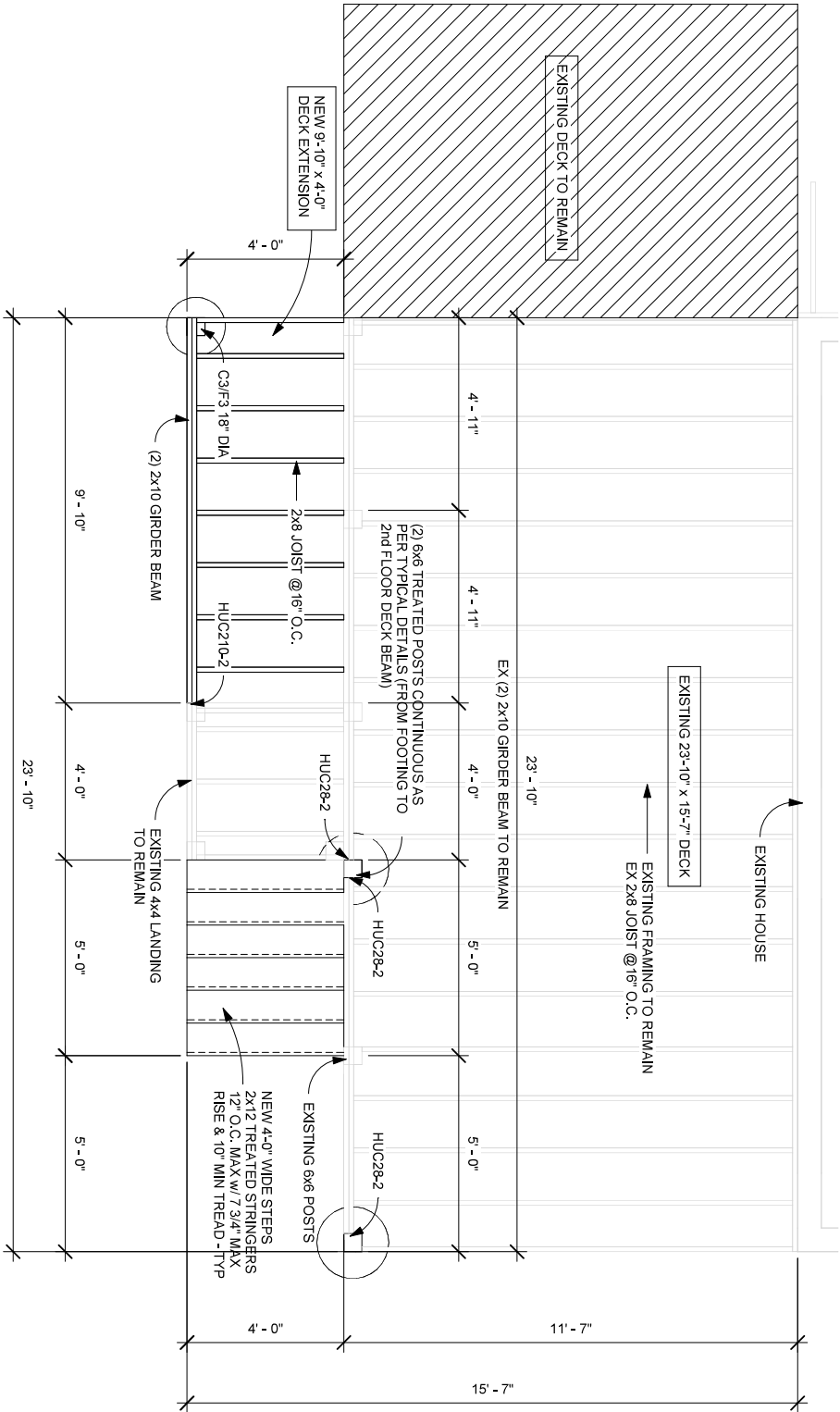
**D2**  
Existing Decks



- 10'-0" x 11'-7" - 2nd FLOOR DECK NOTES: (NEW DECK)
- COMPLETE DEMO EXISTING DECK
  - BUILD NEW 10'-0" x 11'-7" DECK
  - FIBERON GOODLIFE BEACH HOUSE- COMPOSITE DECKING
  - EXISTING RAILINGS TO BE REUSED (DAMAGED RAILINGS TO BE REPLACED AS REQUIRED)
  - POST AND BEAM WRAPPED W/ WHITE PVC
  - WHITE PVC FASCA



- REVISION 1 NOTES: 10'-0" x 11'-7" DECK
- TREX UNDER-DECK DRAINAGE - REMOVED FROM SCOPE OF WORKS
  - WHITE SOFFIT CEILING - REMOVED FROM SCOPE OF WORKS

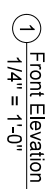


- 23'-10" x 15'-7" - 1st FLOOR DECK NOTES: (REDECK & DECK EXTENSION)
- DEMO EXISTING DECKING, RAILINGS & PVC TRIM
  - EXISTING FRAMING TO REMAIN
  - REMOVE & REPLACE EXISTING FRONT POSTS AND INSTALL (2) NEW PT 6x6 CONTINUOUS POSTS AS PER PLAN
  - 9'-10" x 4'-0" DECK EXTENSION @ FRONT AS PER PLAN
  - REDECK EXISTING DECK w/ NEW FIBERON GOODLIFE BEACH HOUSE- COMPOSITE DECKING
  - EXISTING RAILINGS TO BE REUSED (DAMAGED RAILINGS TO BE REPLACED AS REQUIRED)
  - NEW WHITE PVC FASCIA
  - EXISTING LATTICE TO BE REUSED (DAMAGED LATTICE TO BE REPLACED AS REQUIRED)



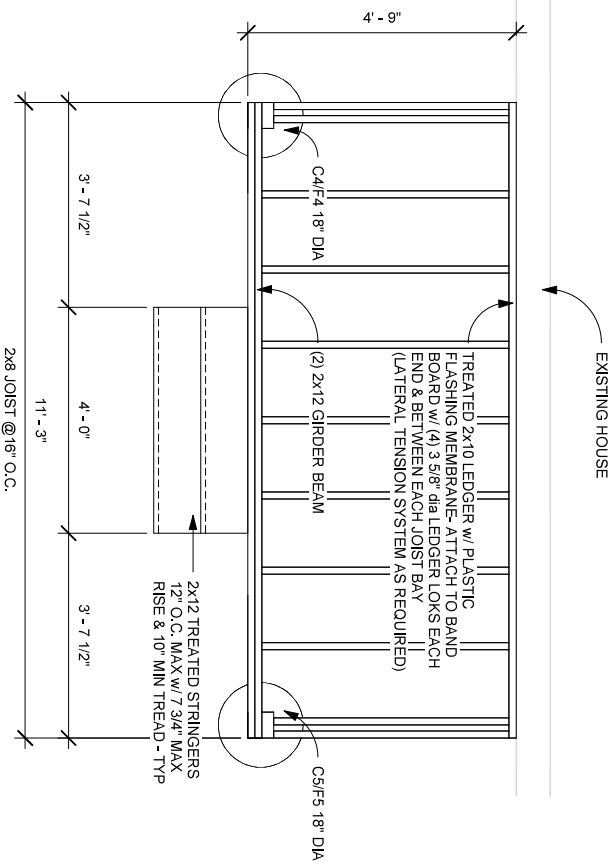
Engel  
609 Irvin Avenue, Deale, MD 20751

DATE: 08/01/2025  
DRAWING #: 5628  
SCALE: 3/8" = 1'-0"  
DRAWN BY: NM  
REV:  
D4  
Existing  
23'-10" x 15'-7" Deck  
Framing Plan

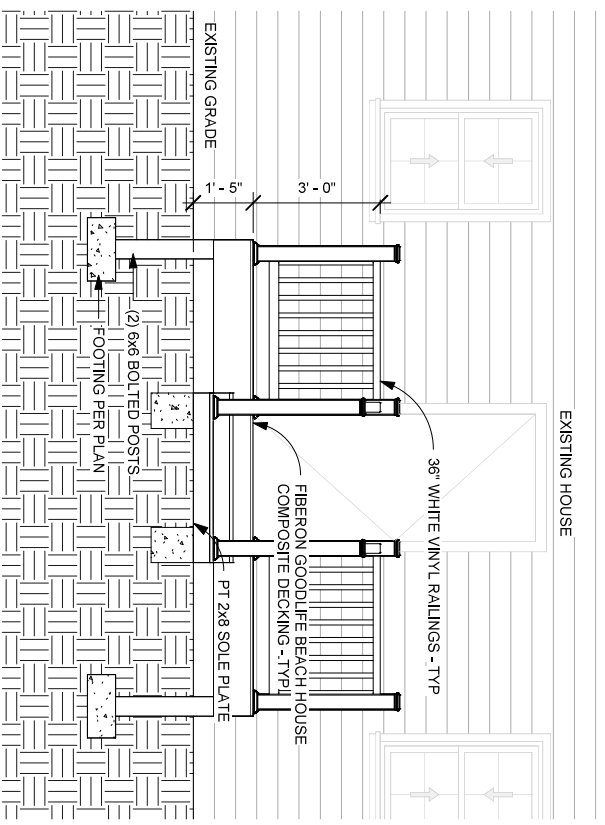


② Side Elevation  
1/4" = 1'-0"

# Maryland DECKING



① Front Deck - Framing Plan  
1/2" = 1'-0"



② Front Deck - Front Elevation  
3/8" = 1'-0"



Engel  
609 Irvin Avenue, Deale, MD 20751

DATE: 08/01/25	D6
DRAWING # 5628	New 11'-3" x 4'-9"
SCALE: As Indicated	Front Deck
DRAWN BY: NW	
REV:	

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: 6-23-25

Tax Map #	Parcel #	Block #	Lot #	Section
0078	0301	4	6	

Tax ID:	7597-0459-2108
---------	----------------

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
General Project Information

Project Name (site name, subdivision name, or other)	609 irvin ave- Stuart Engel- Decks
--	------------------------------------

Project location/Address	609 irvin ave
--------------------------	---------------

City	Deale	Zip	20751
------	-------	-----	-------

Local case number	B02437309
-------------------	-----------

Applicant:	Last name	Domowski	First name	Barnabas
------------	-----------	----------	------------	----------

Company	Maryland Decking
---------	------------------

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

Building Permit	<input checked="" type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Grading Permit	<input type="checkbox"/>	Other	<input type="checkbox"/>

**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:

Deck

Intra-Family Transfer ☐ Yes  
Grandfathered Lot ☐

Growth Allocation ☐ Yes  
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	Total Disturbed Area	Acres	Sq Ft
IDA Area					390
LDA Area					
RCA Area					
Total Area					

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		1429
Created Forest/Woodland/Trees			New Lot Coverage		52
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		1481

## 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 ☐



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

A handwritten signature in blue ink, appearing to be "BC", written over the printed name of Brian Chew.

DATE: August 7, 2025

RE: Stuart Engel  
609 Irvin Ave.  
Deale, MD 20751

NUMBER: 2025-0144-V- for B02437309

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 has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. 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

