

104 WOODSIDE ROAD

VARIANCE HEARING

2025-0160-V
October 21, 2025 @ 10 am



INTRODUCTION



APPLICANT/DEVELOPER INFORMATION:

Contract Purchaser: David Welch

Email: DWELCH@welchconstruction.com

Developer: Tony Desimone

Email: cadesimone97@gmail.com

ENGINEER INFORMATION:

Terrain

Presenter: Kelly McCormick

Address: 53 Old Solomons Island Road, Annapolis MD 21401

Phone: 410-266-1160

Email: Terrain@comcast.net





POSTING OF SIGNS (2 TOTAL)
POSTED ON 10/03/2025

VARIANCE REQUEST LETTER



October 6, 2025
Department of Planning and Zoning
2664 Riva Road MD 21401

**Subject: 104 Woodside Road, Riva MD 21140
Front and Side Yard Setback Variance Request**

To Whom It May Concern,

On behalf of our client, we respectfully submit this letter requesting a Variance to the Setback Requirements for the property located at 104 Woodside Road, Riva, MD 21140. This request is being made to allow for the construction of a single-family dwelling on the subject property.

In accordance with Article 18, Section 18-4-701 of the Anne Arundel County Code (R5 Bulk Regulations), the required setbacks are as follows:

- **Side Yard Setback:** 7 feet
- **Front Yard Setback:** 20 feet

As well as with Article 18, Section 18-2-301 (b) of the Anne Arundel County Code (Bulk Regulations), that states the following:

"Certain architectural features. An architectural feature that does not contain floor area, such as an areaway, bay window, greenhouse window, chimney, cornice, eave, sill, steps required for access, or stoop that does not exceed five feet by five feet, may extend no more than three feet into a required setback and be located no closer than five feet from any lot line. For purposes of this subsection, "areaway" means an uncovered subsurface space adjacent to a structure, such as an entrance to a basement."

Due to the unique characteristics of this lot, we are requesting relief from the standard setback requirements. Below are the relevant conditions and justifications for this variance request:

A. Existing Conditions:

- The total area of the parcel is 0.0682 acres (2,973 square feet), making it significantly smaller than typical lots in the zoning district.
- The property is zone R5 (Residential) and lies within the Critical Area Zone IDA (Intensely Developed Area).
- The parcel is narrowly shaped, with a width of approximately 33.6 feet and 33.73 feet.
- The lot is situated between two public roads, Elm Road and Woodside Road, creating the condition of two front yard setbacks, further restricting the buildable area.
- Adjacent and nearby properties exhibit nonconforming setbacks, indicating a consistent challenge among properties in the area due to narrow lot widths and double frontage.

B. Proposed Site Conditions

- A single-family house has been designed for a modestly sized home with a driveway for off-street parking.
- The house includes an areaway that allows for a safe ingress and egress from the basement.
- Stormwater Management has been proposed to meet the Anne Arundel County and MDE requirements.

C. Requested Variance

- Relief of 2 feet from the side building restriction line, for a proposed 5-foot setback.
- Relief of 6 feet from the front building restriction line (fronting Woodside Road), for a proposed 26-foot setback.
- Relief of 2 feet from the areaway setback requirement, for a proposed 3-foot setback from the lot line.

D. Justification for Variance

We believe the requested variance meets the required criteria under County regulations, as the hardship is due to the physical characteristics of the lot, and the proposed structure will be in keeping with the character of the neighborhood.

- The small size and narrow shape of the lot create a unique situation that makes full compliance with required setbacks impractical. Strict enforcement would effectively prohibit reasonable use of the property, which constitutes an unnecessary hardship not self-imposed by the owner. The proposed stormwater management facility adds additional constraints to the depth of the house, limiting its size.
The property fronts two roads, Woodside and Elm Road, which requires two front yard building restriction setbacks to be met. Under section 18-2-301 (d), an open deck attached to a dwelling unit may project more than 10 feet into a rear setback; so long as the deck is located at least three feet from the lot line. The proposed deck shown on the Variance Plan extends to within six (6) feet of the building restriction line; however, the site does not qualify for this relief since the lot configuration does not provide a true rear yard building restriction line.
- The variance requested is the minimum necessary to reasonably develop the property and construct a modest, code-compliant home.

E. Article 18-6-305 - Variances

The site meets the requirements for a variance under the following practical difficulties and hardships:

- Because of certain unique physical conditions, including the narrowness and shallowness of the lot size and shape resulting in no reasonable possibility of developing the lot in strict conformance. The site fronts two roads, Woodside and Elm Road, resulting in two front-line setbacks being required.
- The grant of a variance is necessary to avoid practical difficulties or unnecessary hardship due to the size and shape of the lot.

F. Requirements for all Variances

Granting this variance will not:

- Alter the essential character of the neighborhood as the adjacent properties appear to have similar setback reductions.

- Substantially impair the appropriate use or development of adjacent property.
- Reduce forest cover in the limited development and resource conservation areas of the critical area as it is located in the Intensely Developed Area (IDA).
- Be contrary to acceptable clearing and replanting practices required for development in the critical area. The layout has been carefully designed to minimize the necessary clearing by locating the driveway and house away from the existing woodlands.
- Be detrimental to the public welfare.

G. Article 18-4-202 : Uses and Merger of Unimproved Lots of Substandard Area or Dimensions

Upon review of the provided SDAT records, deed history, zoning map, utility information, and the applicable zoning code, it is our understanding that the subject lots were not part of the original subdivision or developer lots as referenced in §18-4-202. The lots were conveyed out in 1929, prior to the 1952 subdivision regulations, and subsequently transferred for value in 1955 to the current ownership.

The properties are currently zoned R5 and are served by public water and sewer. In accordance with §18-4-202(c)(1) of the Anne Arundel County Code, individually owned lots that predate 1952 and are served by public utilities may be developed independently. Based on the documentation and the site's conditions, we believe the lots meet this provision and are eligible for individual development.

We respectfully request that this permit be reviewed in processed in light of its corrective purpose. Please feel free to reach out to Kelly McCormick at kelly@terrainmd.com if any additional documentation, plans or reports are required to complete your review.

Thank you for your time and consideration.

Sincerely,

Kelly McCormick, P.E.

VARIANCE RECOMMENDATIONS FROM ANNE ARUNDEL COUNTY



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

APPLICANT: Welch Construction, Inc.
(Contract Purchaser)

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0160-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: October 21, 2025

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required on property located at 104 Woodside Road in Riva.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 2,973 square feet of land and is located with 33.60 feet of frontage on the southeast side of Woodside Road and 33.73 feet of frontage on the northwest side of Elm Road. It is identified as Lot 151 of Parcel 160 in Grid 22 on Tax Map 50 in the Sylvan Shores subdivision.

The property is zoned R5 – Residential District. The lot is not waterfront, but it is located entirely within the Chesapeake Bay Critical Area overlay and is designated as IDA - Intensely Developed Area. It is currently unimproved.

PROPOSAL

The applicant seeks approval to construct a two-story, single-family dwelling with a basement. The proposed house footprint measures 21 feet by 41 feet (861 square feet) plus a 10' by 21' (210 square feet) attached deck and a 4' by 6' stoop with steps to grade. The proposed dwelling height is 30 feet.

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 20 feet from a front lot line and seven feet from a side lot line. The proposed dwelling, specifically the attached deck, would be located 14 feet from the front lot line that abuts Woodside Road, necessitating a variance of six feet. The dwelling would be located five feet from the northeast side lot line, necessitating a variance to two feet.

§ 18-2-301(b) provides that an architectural feature that does not contain floor area (including an areaway and steps required for access) may extend no more than three feet into a required setback and be located no closer than five feet from any lot line. The proposed areaway and steps would extend four feet into the required seven-foot southwest side setback and would be located three feet from the southwest side lot line, necessitating a variance of one foot to the maximum three-foot projection allowed and a variance of two feet to the southwest side setback required.

FINDINGS

The subject property is generally rectangular in shape and is both undersized and narrow. More specifically, the 2,973 square foot lot is substantially smaller than the minimum 5,000 square foot area required, and the 33.73-foot width is much narrower than the minimum 50-foot width required. A review of the 2024 County aerial photograph shows a neighborhood developed with generally modest single-family dwellings. Some houses have been constructed on double lots, while others have been constructed on similar, single, narrow lots. The subject property is one of two side-by-side lots that are currently under contract to be purchased by the applicant. The lots were platted in 1930, prior to the enactment of zoning regulations and the associated subdivision requirements.

The Office of Inspections and Permits Engineering Division took no position on the variance request, but advised the applicant of the following: 1) The sewer house connection must be a minimum of 7 feet horizontally from water house service and a minimum of one foot clear below water house services. 2) According to MDE's Stormwater Design Manual, 6 to 12 inches of planting soil shall be provided for rain gardens. 3) Sewer hose connection and water hose connection both must be a minimum of 7.5 feet from any stormwater management devices.

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 or 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. In this case, development of this individual lot is constrained by the practical limitations of an existing residentially zoned lot that is significantly undersized and narrow for the R5 District and that is further restricted by its through lot/dual frontage configuration. Adherence to the seven foot setback required from both side lot lines would only allow for a maximum dwelling width of 19 feet, even without an areaway. Furthermore, the through lot configuration prevents the applicant from the benefit of the open deck projection allowance that would otherwise be permitted in the rear yard, causing the need for variance relief for the deck.

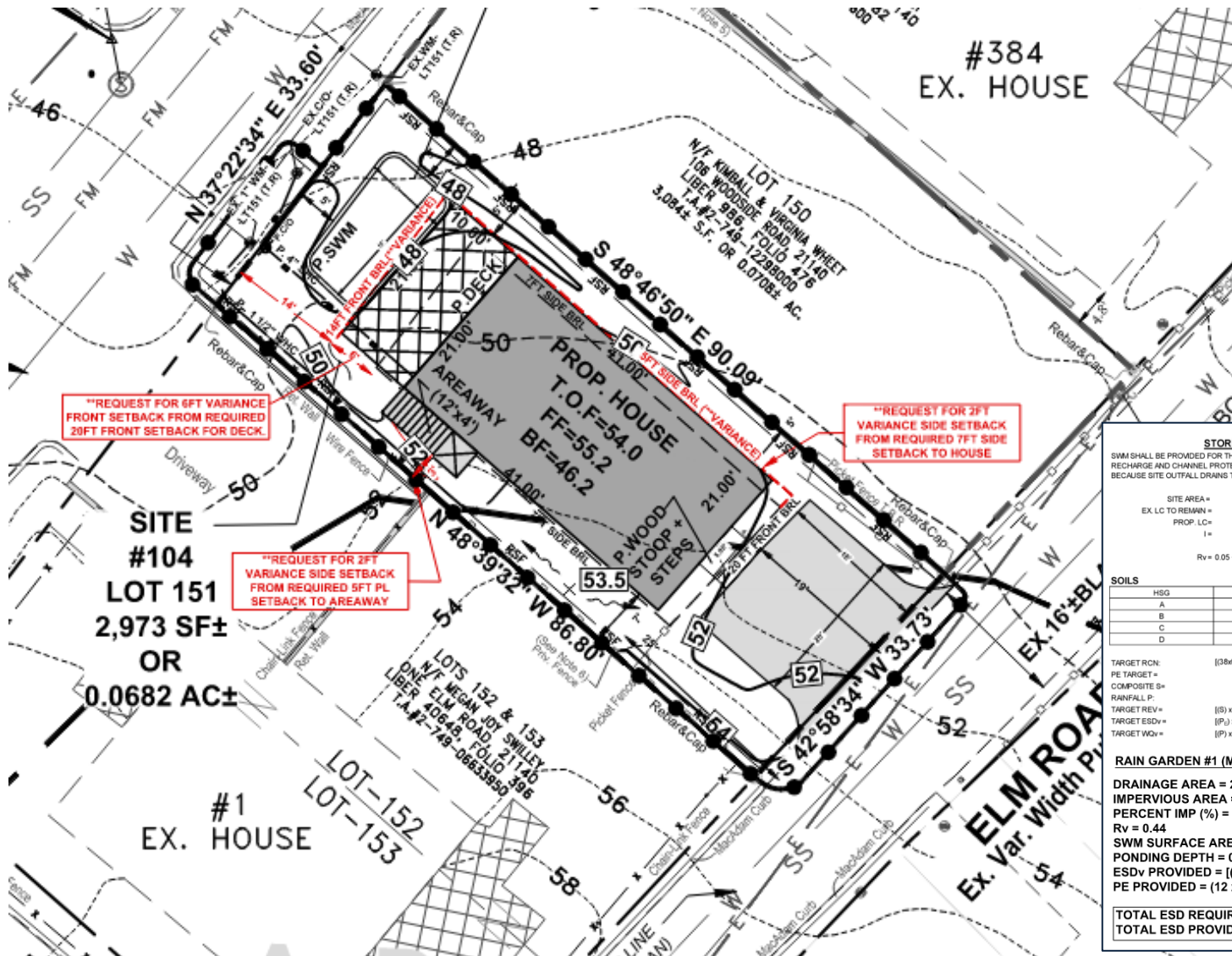
Approval of the variances would not alter the essential character of the neighborhood, as the modest setback deviations appear to be comparable to the locations of several other homes on nearby lots. The variances would not substantially impair the appropriate use or development of adjacent properties, as there would still be adequate spacing between neighboring structures and ample room for repairs and maintenance on site. The variances would not be detrimental to the public welfare. While the two adjacent lots are being purchased together, each one is a legal lot that could just as easily be sold and developed separately by two different purchasers. The lot is flat, is comparable to some of the other lots in the immediate area, and does not have any environmental features that need protecting. The proposed dwelling footprint of 861 square feet is not considered to be excessive, and the requested setback variances are deemed to be the minimum necessary to afford relief in this case.

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 the proposed 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.

VARIANCE EXHIBIT



PROPOSED DWELLING DETAILS



DWELLING FOOTPRINT

21' X 41' (861 SQUARE FEET)

SITE FEATURES

10' X 21' DECK (210 SQUARE FEET)

STOOP WITH STEPS TO GRADE : 4' X 6' (24 SQUARE FEET)

DWELLING HEIGHT

APPROXIMATELY 30'

SITE PHOTOGRAPHS



AERIAL VIEW



ELM ROAD - STREET VIEW



WOODSIDE ROAD – STREET VIEW

QUESTIONS

