

**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.



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 ORES
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 ROAD
 76
 CT 30446423800 ZONING RE
 UNCLE COUNTY MARYLAND
 MAINT BY CUB
 KAM
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 UNCLE COUNTY MARYLAND
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August 1, 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

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:

- a. 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.
- b. The property is zone R5 (Residential) and lies within the Critical Area Zone IDA (Intensely Developed Area).
- c. The parcel is narrowly shaped, with a width of approximately 33.6 feet and 33.73 feet.
- d. 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.
- e. 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. A single-family house has been designed for a modestly sized home with a driveway for off-street parking.
- b. The house includes an areaway that allows for a safe ingress and egress from the basement.
- c. Stormwater Management has been proposed to meet the Anne Arundel County and MDE requirements.

C. Requested Variance

- a. Relief of 2 feet from the side building restriction line, for a proposed 5-foot setback.
- b. 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.

- i) 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.
- ii) 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:

- i) 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.
- ii) 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:

- i. Alter the essential character of the neighborhood as the adjacent properties appear to have similar setback reductions.
- ii. Substantially impair the appropriate use or development of adjacent property.
- iii. 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).
- iv. 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.
- v. Be detrimental to the public welfare.

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

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,

A handwritten signature in black ink that reads "Kelly McCormick". The script is cursive and fluid, with the first name "Kelly" and last name "McCormick" clearly legible.

Kelly McCormick, P.E.

Critical Area Report
For:
104 Woodside Road
Riva, MD 21140
Tax Map 50, Block 22, Parcel 160

August, 2025

Prepared By:
Terrain, Inc.
53 Old Solomons Island Road, Ste. F
Annapolis, MD 21401
(410) 266-1160
terrain@comcast.net

**CHESAPEAKE BAY CRITICAL AREA REPORT
104 WOODSIDE ROAD
TAX MAP 50, BLOCK 22, PARCEL 160**

INTRODUCTION

This is a 0.0682 AC. property, and is located at 104 Woodside Road, Riva, Maryland 21140. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Intensely Developed Area (IDA). The property is zoned R-5.

EXISTING LAND USE

The existing is a vacant residential Lot 151, Section A of the recorded Plat "Sylvan Shores" recorded in Plat Book Cab. 1, Rod W., Plat 3.

PROPOSED LAND USE

The proposed for this property is a single-family dwelling with a deck in the back and driveway.

SURROUNDING LAND USE

The surrounding properties are residential lots in the subdivision of "Sylvan Shores".

FLOODPLAIN

The property is shown on the Federal Emergency Management Agency (FEMA) panel 24003C0229F, Zone X, Elevation -.

BUFFER MODIFICATION

The property is not mapped buffer modified.

TIDAL WETLANDS

The property is not waterfront.

BODIES OF WATER

The property is not a waterfront property.

STEEP SLOPES

There are no steep slopes on-site that will be disturbed.

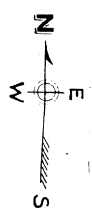
RARE AND ENDANGERED SPECIES

There are no federally or state listed species of rare, threatened or endangered species of plants or animals on this site.

DATES OF FIELD WORK

August, 2025

5



F 3 / 4

SOUTH SANDY

WOODRIDGE ROAD

RIDGE ROAD

Parkway-F (25 ft)

Parkway-F (25 ft)

Parkway-D (25 ft)

Parkway-C (25 ft)

Parkway-B (25 ft)

Parkway-A (25 ft)

Parkway-A (25 ft)

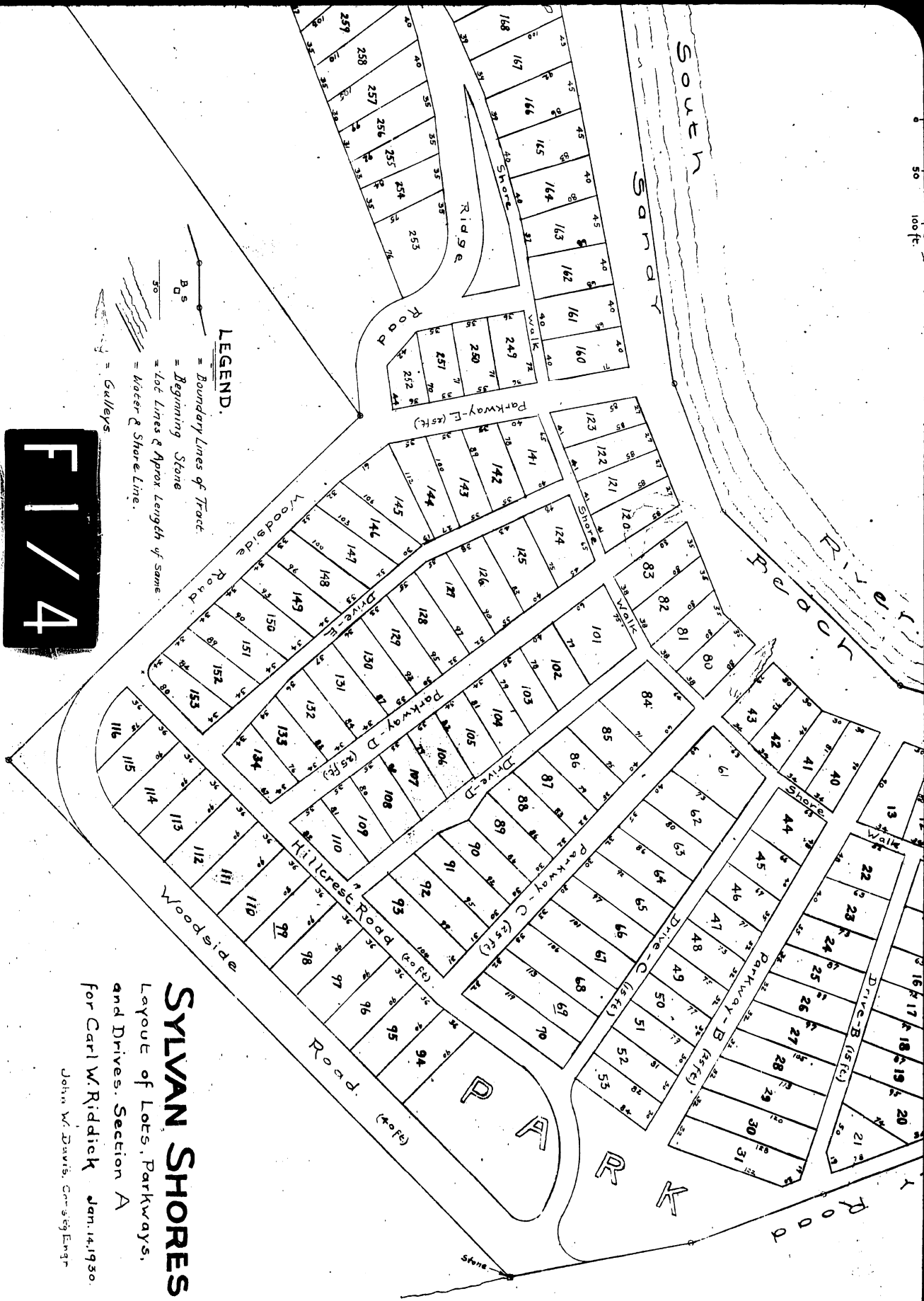
Parkway-A (25 ft)

Parkway-A (25 ft)

Parkway-A (25 ft)

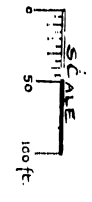
Parkway-A (25 ft)

Parkway-A (25 ft)

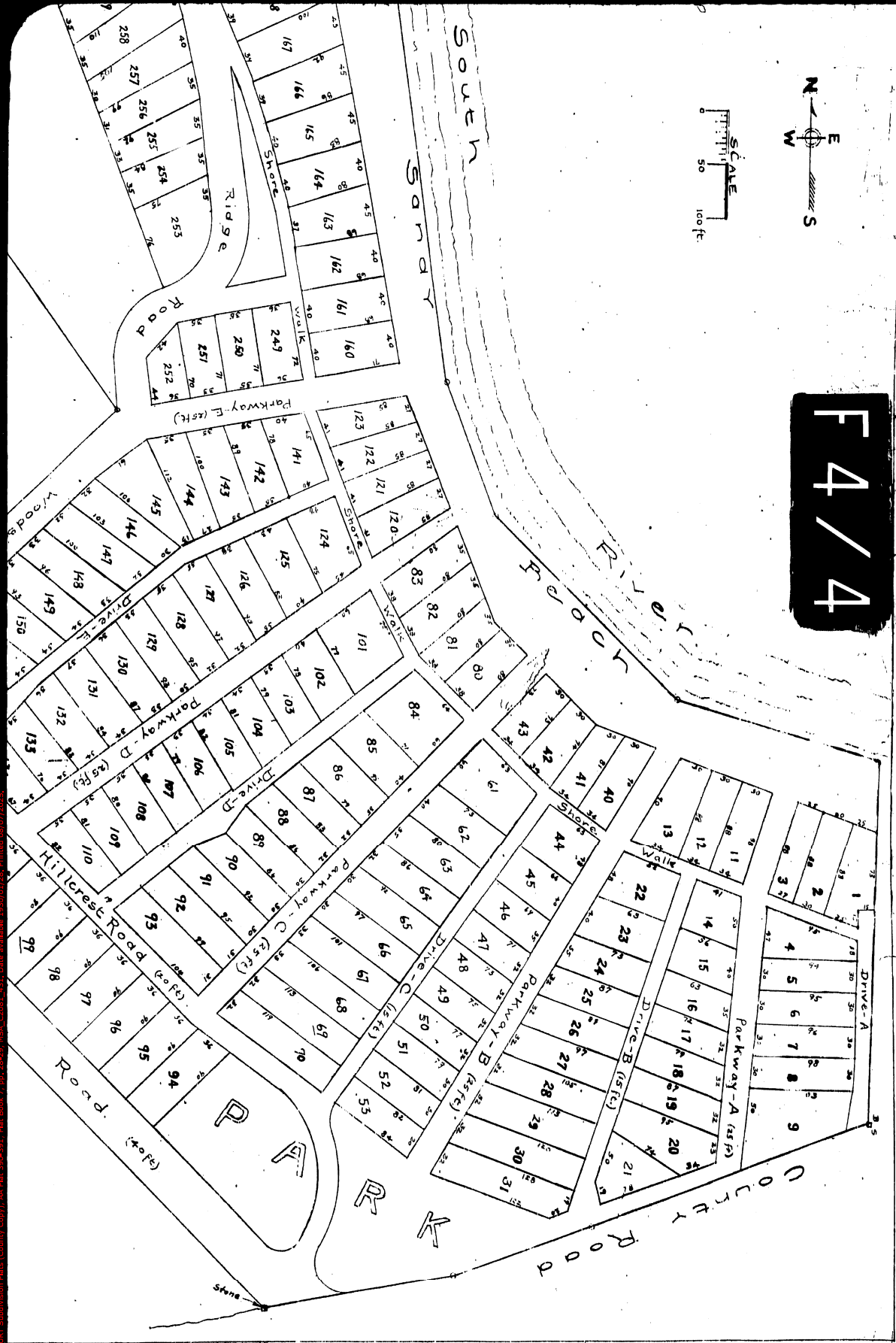


F1/4

SYLVAN SHORES
 Layout of Lots, Parkways,
 and Drives. Section A
 for Carl W. Riddick Jan. 14, 1930.
 John W. Davis, Consulting Engineer



F 4 / 4



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: AUGUST 5, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
50	160	22	151	A

Tax ID:	02-749-12298200
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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)	SYLVAN SHORES
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Project location/Address	104 WOODSIDE ROAD
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City	RIVA	Zip	21140
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Local case number	
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Applicant:	Last name	WELCH	First name	DAVID
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Company	WELCH CONSTRUCTION, INC.
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Application Type (check all that apply):

Building Permit	☒	Variance	☒
Buffer Management Plan	☐	Rezoning	☐
Conditional Use	☐	Site Plan	☐
Consistency Report	☐	Special Exception	☐
Disturbance > 5,000 sq ft	☐	Subdivision	☐
Grading Permit	☒	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:

REQUESTING A VARIANCE FOR FRONT AND SIDE YARD SETBACK

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
IDA Area	0.0682	2,973
LDA Area	0	0
RCA Area	0	0
Total Area	0.0682	2,973

	Acres	Sq Ft
Total Disturbed Area	0.0741	3,228

0 # of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0	0	Existing Lot Coverage	0	0
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.0347	1,513
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.0347	1,513

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.0741	3,228	Mitigation	0	0

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 ☐

Task Details I and P Engineering

Assigned Date

08/15/2025

Assigned to

Natalie Norberg

Current Status

Complete w/ Comments

Action By

Natalie Norberg

Comments

- 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. SHC and WHC both must be a minimum 7.5 feet from any stormwater management devices.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Due Date

09/04/2025

Assigned to Department

Engineering

Status Date

09/04/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

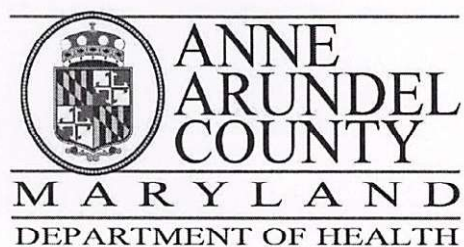
Review Notes

Reviewer Email

ipnorb81@aacounty.org

Reviewer Name

Natalie Norberg



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 18, 2025

RE: Kimball Wheet
104 Woodside Road
Riva, MD 21140

NUMBER: 2025-0160-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. 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



Tax Account Number: 274912298200