



September 15, 2025

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: Variance Application Submittal

Wallace Property - 132 East Lake Drive, Annapolis, MD 21401
Tax ID: 2047-0934-8105
(Bay Ridge Subdivision)

Dear Ms. Seay:

On behalf of the applicant & owners of the referenced property, we respectfully request a variance to R-2 Bulk Regulations which states in part that there is a minimum corner side lot line setback of 20 feet, based on Bill No. 72-24. Note that the online American Legal Publishing of the County Code Article 18-4-601, shows a corner side lot line setback as 50 feet. This is in conflict Bill 72-24, which we believe the 20 feet setback is correct. This lot is currently improved with a single-family dwelling. The property is 18,724 square feet in area. The site is served by public sewer and a private well. The site currently derives access directly from East Lake Drive and also a shared driveway within an unimproved and privately owned portion of Mayo Avenue. Mayo Avenue is a private road as shown on the plat of Bay Ridge, but is unimproved but for a driveway that accesses the home and garage at 134 East Lake Drive.

The site is considered a waterfront lot and has direct tidal discharge to the waters of the Lake Ogleton. The site is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The site is located in a Buffer Modification Area and therefore not subject to the expanded buffer criteria. The site does contain some steep slopes within 15% to 24% however there is no proposed disturbance to them. The site is not in a bog area and is located within the R-2 Zoning District. The lot shape narrows from the front of the lot towards the rear. It is also slightly undersized for an R2 lot, which has a minimum lot area of 20,000 square feet per Article 18-4-601.

The applicants seeks to construct a 2-story accessory structure in the rear yard of the site. The proposed accessory structure will be 23.05 feet in height and the usage of the proposed structure is a 474 square foot accessory dwelling unit (ADU) on the 2nd floor and a 2-car garage at ground level. The proposed structure will meet the minimum rear and side yard setbacks. The front façade of the ADU/garage however, which faces the unimproved Mayo Avenue would be located 11.5 feet from the front right corner to the right-of-way and 14.0 feet from the left front corner to the right-of-way. Anne Arundel County Code, Article 18-4-601, requires accessory structures in the R2 Zoning District to maintain 20 feet from the corner side lot line. Accordingly, the applicant seeks a variance for relief to the 20 feet corner side lot line setback in the amount of 9.5 feet from the front right corner and 6.0 feet from the front left corner. The

existing driveway within the Mayo Avenue currently serves as one of the access driveways to the site. The applicant intends to create one additional access driveway from the proposed structure, to the driveway within Mayo Avenue. There will be no trees required to be removed on-site or in the right-of-way for the construction of the structure or the additional driveway.

The Mayo Avenue private right-of-way is owned by the Bay Ridge Community Association (BRCA). The applicant has notified BRCA of their intention to construct this structure, create an additional access point, and intends to work them in order to achieve the Association's support for their project.

The overall lot coverage of this site will be reduced. The subject property is 18,724 square feet in size. The allowable lot coverage for a lot this size in LDA is 31.25 percent, which comes to 5,851 square feet of allowable lot coverage. The existing lot coverage is 6,031 square feet and the proposed ADU and additional driveway on the site is 876 square feet. When adhering to the County's 10 percent rule, there would be a required lot coverage reduction of 10 percent of the coverage or, $6031 - 5851 = 180 \times .10 = 18$ square feet, plus the amount equal to the proposed lot coverage, 876 square feet, for a grand total of 894 square feet. The lot coverage reduction will be achieved as required and has been illustrated and labeled on the Variance Plan, shown in red. A review of the site plan will show that disturbance will be limited to the construction of the proposed structure and driveway, and the removal of lot coverage.

The setback variances are unavoidable due to the underlying zoning setback requirements to the unimproved private right-of-way in relation to the narrowness of the rear portion of the site. The proposed improvements could not be built elsewhere on the site to minimize impacts and/or the variance request. The location proposed matches the development scheme of the neighboring lot at 134 E. Lake Drive and places the proposed improvements as far from the water as possible, thereby meeting the intent of the code.

As the disturbance will be less than 5,000 square feet, therefore the standard grading permit process should be allowable during the building permit application process. Stormwater management will be provided via planting and/or a fee-in-lieu during the building permit process, if required.

This plan meets the intent of 18-16-305(a):

Because of narrowness in the rear yard and being the only viable location for the proposed structure, there is no reasonable possibility of developing the lot in the strict conformance with this Article.

This plan also meets the intent of 18-16-305(b) for critical area variances.

1. What is peculiar about and inherent to this lot is that it is narrowness in the rear portion of the property, in addition to its proximity to the unimproved portion of Mayo Avenue requiring a 20-foot corner setback. Denial of a variance would be a hardship for the owners as no practical accessory structure could be permitted on the site. The owners will minimize the limits of disturbance to only what is necessary to construct the improvements and remove the required lot coverage. The work proposed creates an updated improvement to the site with the minimal amount of disturbance while decreasing the amount of lot coverage on the site, thereby improving the water quality of the Bay.

2. A literal interpretation County's Zoning Setback Code ordinances would deny the owners of the site of rights commonly enjoyed by other properties in the Bay Ridge Subdivision and throughout the County, as permitted in accordance with the provisions within the critical area of the County. For example, the neighboring lot at 13 E. Lake includes very similar improvements in an area that mimics that being requested.

3. This project will not confer special privileges to the owner, as it is a right for properties to access adjacent unimproved right-of-ways for access in the Bay Ridge Subdivision. And due to many of the lots in Bay Ridge being created prior to current setback regulations, many homes located there have been granted variances for accessory structures or new dwellings with equal and in some cases, far greater impacts.

4. The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to use on any neighboring property;

5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and will be in harmony with the general spirit and intent of the County's critical area program. The project will not require the removal of the existing developed woodlands onsite or in the right-of-way, stormwater management would be provided as required at time of permit, and an overall reduction of lot coverage will help to improve water quality of the tidal waters of Lake Ogleton and the Chesapeake Bay.

6. The proposed improvements are not located within, nor does it disturb the 100-foot Buffer Modification Area, nor is it within a bog or a bog buffer.

7. This plan overcomes the presumption in the Natural Resources article, as the denial of this variance would deny the owner's rights enjoyed by others that have similar improvements in the Bay Ridge Community and within the County. The Critical Area legislation was adopted not to stop development but to ensure proper development. This project fits within that scope.

8. The applicant has studied an alternative design. The process of determining the location of the ADU/Garage were analyzed, and it was determined the location of the ADU/Garage as shown are the least impactful to sensitive areas of the Critical Area and the tidal waters of the Chesapeake Bay.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is the minimum to allow for construction of the ADU/Garage on this narrow lot in Bay Ridge, adjacent to one of many unimproved right-of-ways within the Bay Ridge Subdivision.

2. i. This variance will not alter the essential character of the neighborhood. Bay Ridge is an eclectic mix of house styles and sizes, many with existing detached accessory structures today.

- ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors.
- iii. No tree clearing is required and any mitigation necessary during the permit process will increase vegetative cover in the LDA.
- iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.
- v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for the construction of a free standing 2nd story accessory dwelling unit and ground level garage, disturbance has been minimized to include a work buffer surrounding the structure, and the areas of existing lot coverage to be removed to be re-vegetated. A grading permit should not be required if the disturbance is kept under 5,000 square feet, and stormwater management, in the form of plantings will be required to increase forest and/or woody vegetative cover during the building permit process. It appears that this request is consistent with other properties in the surrounding area. Denial of this request would not allow the owner to enjoy property rights common to other properties in the surrounding area.

The enclosed plan represents the location of the proposed work. In closing, the variances requested are the minimum necessary to afford relief and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your review and consideration to the applicants request.

If you have any questions, or if you require additional information, please feel free to contact me at 410-266-3212.

Sincerely,
Messick & Associates, Inc.

Fred Kennard

Fred Kennard,
Project Manager

GENERAL NOTES

1. OWNER:
GORDON AND MARY WALLACE
132 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
EMAIL: WALLA70@COMCAST.NET
WALLA88@COMCAST.NET

ENGINEER:
MESSICK & ASSOCIATES
7 OLD SOLOMONS ISLAND RD, STE 202
ANNAPOLIS, MD 21401
C/O FRED KENNARD
EMAIL: ENGR@MESSICKANDASSOCIATES.COM
2. THE SITE & SURROUNDING LOTS ARE LOCATED IN THE R2 RESIDENTIAL ZONING DISTRICT.
3. THE SITE ADDRESS IS: 132 EAST LAKE DRIVE, ANNAPOLIS, MD 21403.
4. TAX ACCOUNT NO: 02-047-09348105
5. EXISTING BOUNDARY SHOWN HEREON WAS TAKEN FROM DEEDS AND PLATS OF RECORD AND FIELD SURVEY, WITHOUT THE BENEFIT OF A TITLE REPORT. THE FIELD EXISTING CONDITIONS, TOPO & BOUNDARY SURVEY WAS PERFORMED BY MESSICK AND ASSOCIATES IN JUNE 2025.
6. THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) OF THE CHESAPEAKE BAY CRITICAL AREA. THE SITE IS NOT LOCATED WITHIN A BOG.
7. THE SITE CURRENTLY UTILIZES A PRIVATE WELL AND PUBLIC SEWER. CONTRACTOR SHALL UTILIZE THE EXISTING SEWER CONNECTION IF POSSIBLE. IF NOT POSSIBLE, CONTRACTOR IS TO INSTALL A NEW SHC PER ANNE ARUNDEL COUNTY SPECIFICATIONS AND DETAILS.
8. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 5 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0254F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
9. WATER AND SEWER CATEGORIES
WATER - FUTURE PUBLIC SERVICE (W-9, BROAD CREEK)
SEWER - PUBLIC SERVICE EXISTING (S-9, ANNAPOLIS)
10. PROPOSED CLEARING OF DEVELOPED WOODLANDS: NONE
11. STEEP SLOPES WILL NOT BE DISTURBED DURING THE CONSTRUCTION OF THIS STRUCTURE.
12. TOTAL DISTURBANCE: 2,700 SQUARE FEET.
13. PRE-FILE #2025-0081-P.

LOT COVERAGE TABULATIONS

EXISTING LOT COVERAGE: 6,031 S.F.
HOUSE: 2,996 S.F.
DRIVEWAY: 2,238 S.F.
WALKWAYS: 322 S.F.
SHED: 150 S.F.
PATIO/PAD: 325 S.F.

EXISTING LOT AREA: 18,724 S.F.
ALLOWABLE LOT COVERAGE:
18,724 x .3125 = 5,851 S.F.
REQUIRED REDUCTION:
6,031 - 5851 = 180 x 0.10 = 18 S.F.
GARAGE/ADU = 786 S.F.
ADDITIONAL DRIVEWAY: 90 S.F.
TOTAL NEW LOT COVERAGE: 876 S.F.
TOTAL REQUIRED REDUCTION: 894 S.F.
PROPOSED IMPV. REDUCTION: 895 S.F.

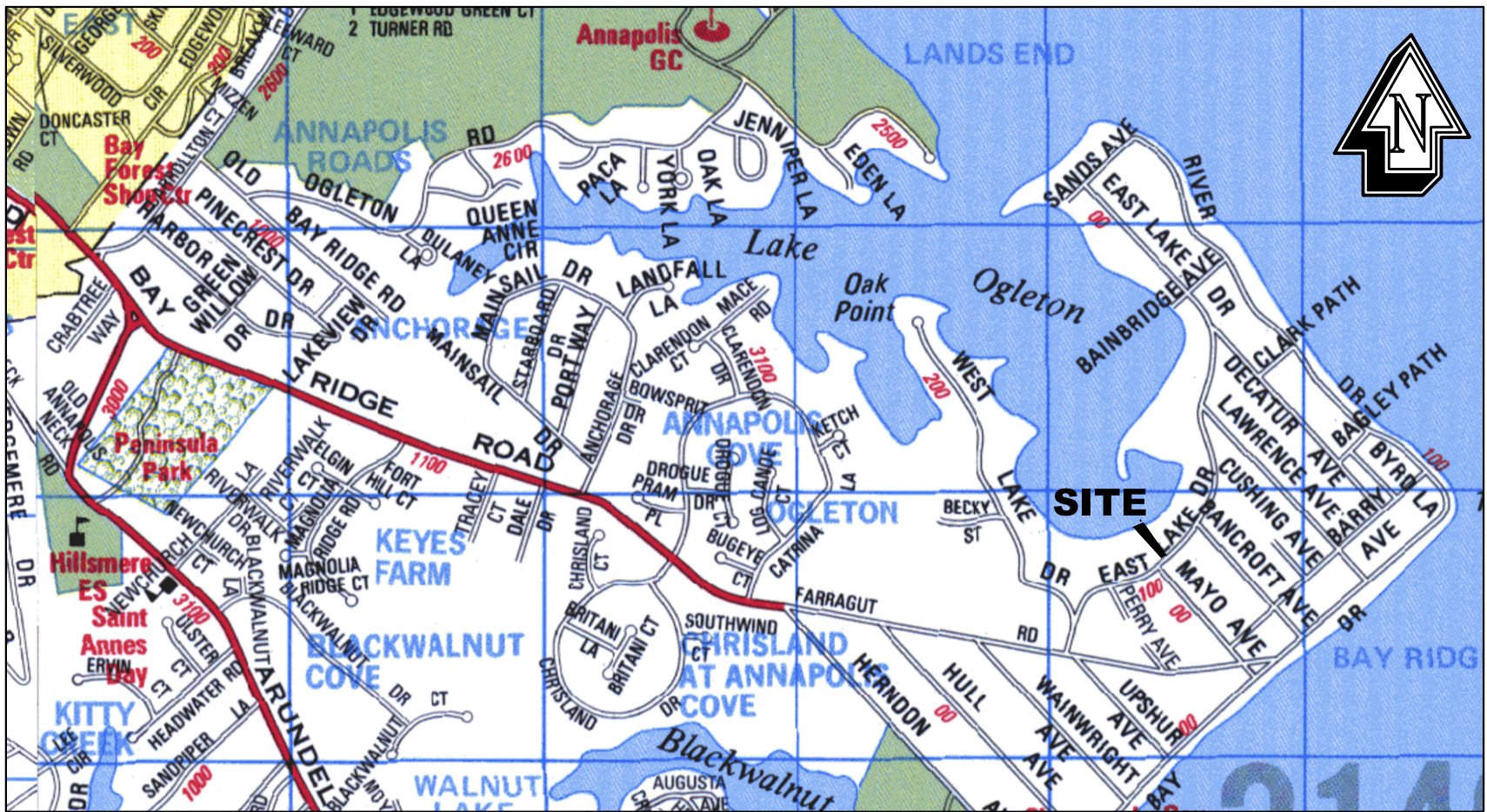
VARIANCE REQUESTED

§ 18-4-601. R2 BULK REGULATIONS:
WHICH STATE IN PART THAT A ACCESSORY STRUCTURE IN AN R2 DISTRICT SHALL HAVE A CORNER LOT SETBACK 20'.

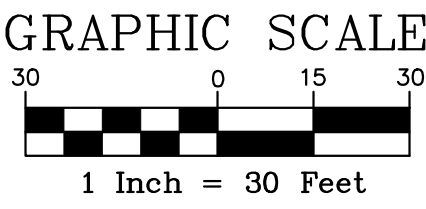
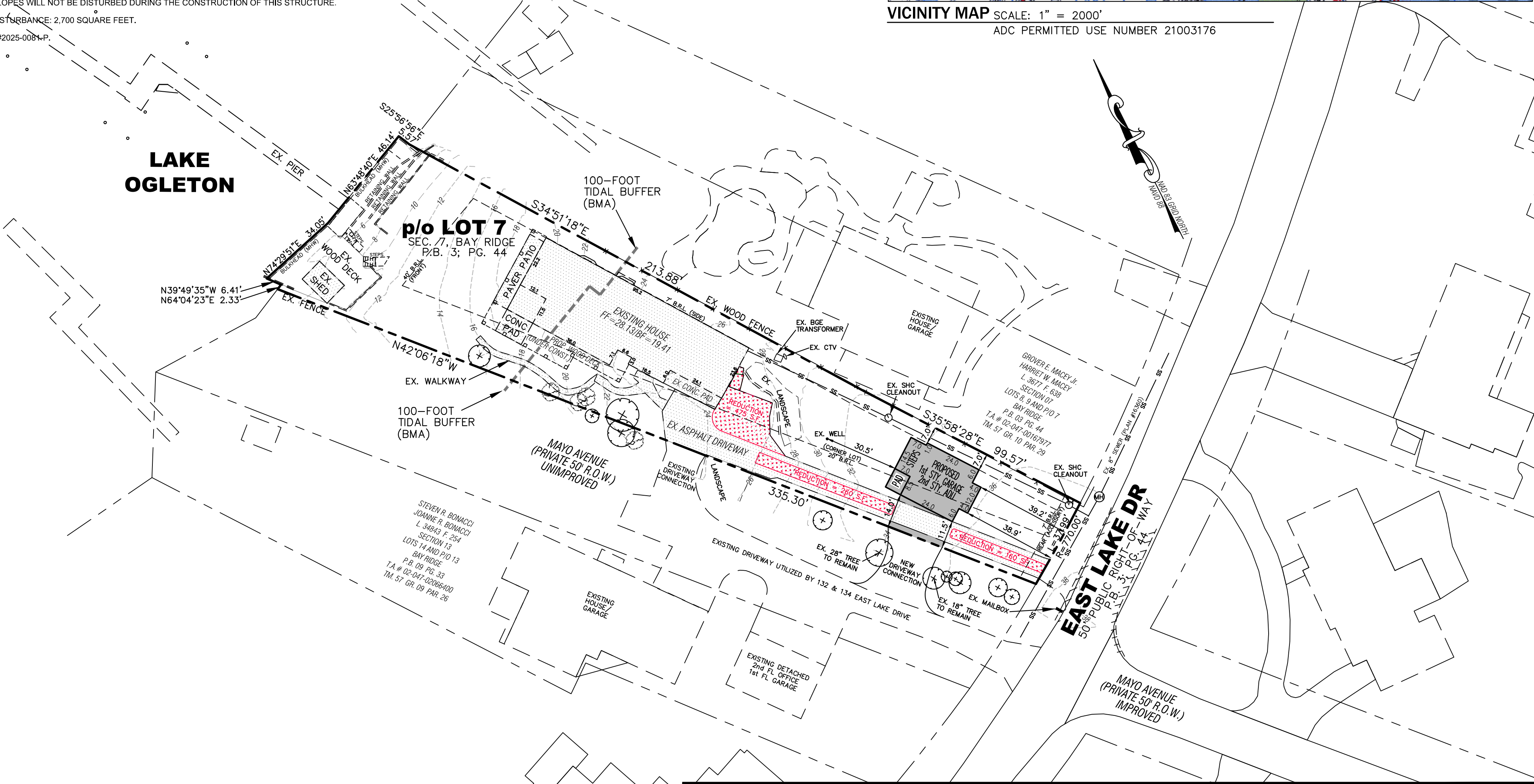
ADU TABULATIONS

ADU TOTAL S.F.: 474 S.F.
KITCHEN: 100 S.F.
FAMILY ROOM: 120 S.F.
BEDROOM: 125 S.F.
BATHROOM: 60 S.F.
MISC. CLOSETS: 17 S.F.
LANDING: 52 S.F.

STRUCTURE HEIGHT: 23.05'



VICINITY MAP SCALE: 1" = 2000'
ADC PERMITTED USE NUMBER 21003176



MESSICK & ASSOCIATES*
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

DENOTES:
EXISTING LOT COVERAGE
EXISTING LOT COVERAGE TO BE REMOVED
NEW LOT COVERAGE

ADMINISTRATIVE SITE PLAN
132 EAST LAKE DRIVE
SECTION 7, LOT P/O 7
BAY RIDGE
PLAT BOOK 03 PAGE 44
TAX MAP: 57 GRID: 10 PARCEL: 29
2ND TAX DISTRICT A.A. COUNTY, MD
SCALE: 1" = 30' DATE: JULY 2025 SHEET 1 OF 1

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: September 8, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
0057	0029	0010	7	7

Tax ID: 02-047-09348105

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) Bay Ridge Subdivision

Project location/Address 132 East Lake Drive

City Annapolis Zip 21403

Local case number

Applicant: Last name Wallace First name Gordon and Mary

Company N/A

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 a two-story accessory structure with a 1st floor garage and
a 2nd floor accessory dwelling unit (ADU)

Intra-Family Transfer	Yes ☐	Growth Allocation	Yes ☐
Grandfathered Lot	☐	Buffer Exemption Area	☒

Project Type (check all that apply)

Commercial	☐	Recreational	☐
Consistency Report	☐	Redevelopment	☐
Industrial	☐	Residential	☒
Institutional	☐	Shore Erosion Control	☐
Mixed Use	☐	Water-Dependent Facility	☐
Other	☐		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				0.06	2,700
LDA Area	0.43	18,724			
RCA Area			# of Lots Created	0	
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<0.01	<500	Existing Lot Coverage	0.138	6,031
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.020	876
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.021	895
			Total Lot Coverage	0.137	6,012

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.06	2,700	Mitigation	0	0

<u>Variance Type</u>		<u>Structure</u>	
Buffer	☐	Acc. Structure Addition	☒
Forest Clearing	☐	Barn	☐
HPA Impact	☐	Deck	☐
Lot Coverage	☐	Dwelling	☐
Expanded Buffer	☐	Dwelling Addition	☐
Nontidal Wetlands	☐	Garage	☐
Setback	☒	Gazebo	☐
Steep Slopes	☐	Patio	☐
Other	☐	Pool	☐
		Shed	☐
		Other	☐

Critical Area Narrative Statement For:
132 East Lake Drive, Annapolis, Md. 20403
Tax Map 57, Grid 10, Parcel 29; Lot 7, Sec. 7

Dated: September 8, 2025

PREPARED BY:
MESSICK AND ASSOCIATES.
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
410-266-3212

PREPARED FOR:
GORDON AND MARY WALLACE
132 EAST LAKE DRIVE
ANNAPOLIS, MD 21403

In accordance with the Anne Arundel County's Critical Area Report Criteria for a variance application, attached is a description of the subject property, proposed use, description of existing vegetation, proposed development, mitigation requirements, impervious area calculation and description of the habitat protection areas on-site.

A. Project Location, Use and Relevant History:

The subject lot is 18,724 square feet or 0.43 acres of land in size and is located at the northwest corner of the intersection of East Lake Drive and Mayo Avenue. The lot is illustrated on Anne Arundel County Tax Map 57 and is identified as Parcel 29, Block 10, Lot 7, Section 77. The lot is located entirely within the R2 – Residential Zoning District. The lot is considered a waterfront lot on Lake Ogleton and lies within the Chesapeake Bay Overlay area, designated in the LDA (Limited Development Area) category. The lot is currently improved with a 2-story single-family dwelling, a driveway and other associated facilities. The applicant is proposing to construct an accessory structure consisting of a 1st story 2-car garage and a 2nd story accessory dwelling unit (ADU). The two uses will not be connected internally with both units having an exterior access point only. The proposed structure will not be attached to the existing dwelling and no woodland clearing is proposed. Portions of the existing driveway will be removed in order to offsite the increased lot coverage of the proposed accessory structure.

B. Description of Vegetative & Proposed Disturbance:

The lot consists mostly of a maintained lawn with some developed woodlands, containing less than 500 square feet of canopy area throughout the property. Soils within the limits of disturbance consist of Annapolis-Urban land complex, 0 to 5 percent slopes. This soil has a "C" rating Hydrologic Soil Group. There will be no disturbance within the buffer modification area necessary and no woodland clearing is necessary to accommodate the construction of the proposed accessory structure or the driveway coverage reduction areas.

C. Potential Impacts and Mitigation:

Since no alterations of woodlands, impacts to the buffer modification area and less than 5,000 square feet of disturbance to accommodate the proposed improvements, there are no stormwater management water quality impacts and no forest mitigation is required.

D. Site Data, Critical Area Coverage and Clearing:

The following data applies to the Critical Area Portion of the site:

<u>CBCA/Limited Conservation Area:</u>	18,724 sq.ft. (0.43 ac.)
Total CBCA Site Area:	18,724 sq.ft. (0.43 ac.)

Existing Conditions:

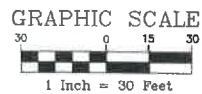
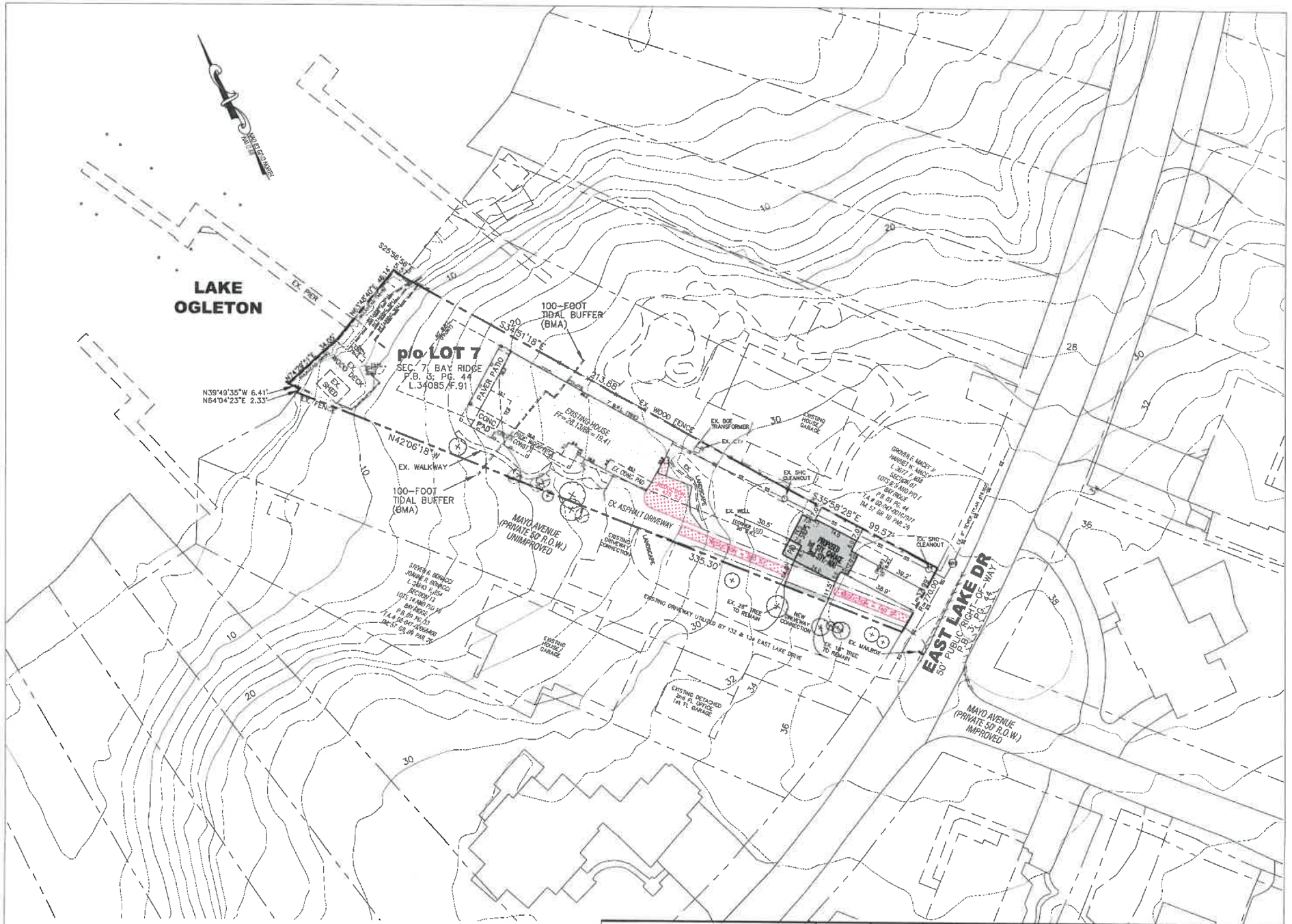
Total existing CBCA Coverage:	6,031 sq.ft. (0.138% of the CBCA)
Total existing CBCA Wooded Area:	<500 sq.ft. (0.010% of the CBCA)

Proposed Conditions:

Total proposed coverage:	6,012 sq.ft. (0.137% of the CBCA)
Proposed wooded area:	No Clearing Proposed

E. Description of Habitat Protection Areas:

The entire site is located within the LDA Critical Area category and is within the 100' Critical Area Buffer Modification Area. The Chesapeake Bay Critical Area Project Notification Application Form, Site Plan, Topographic map and associated supporting documents are attached. The attached narrative statement was prepared by Frederick Kennard, Project Manager, of Messick and Associates on September 8, 2025.



VARIANCE REQUESTED

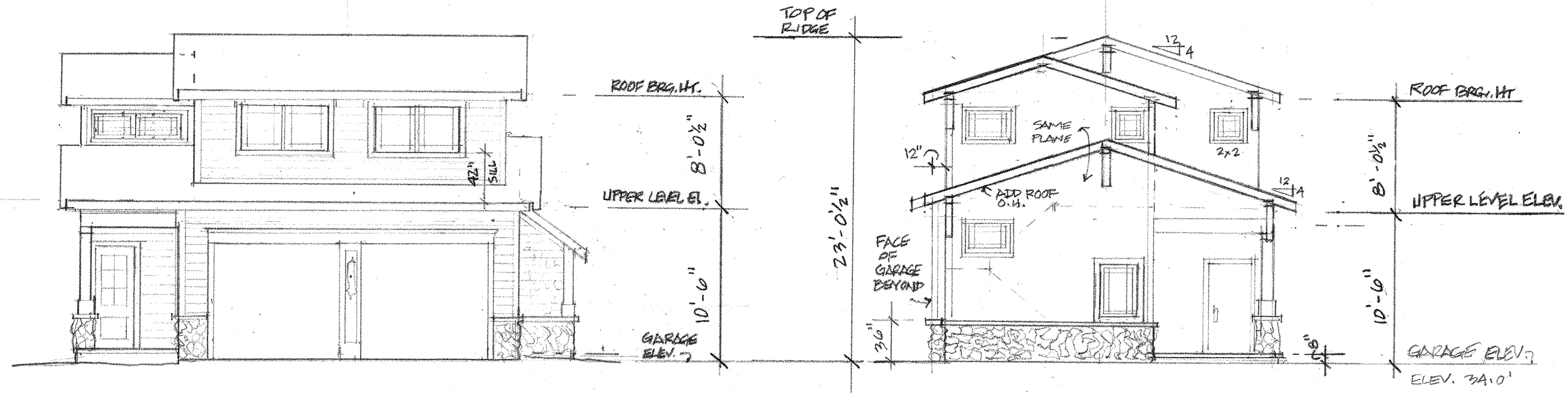
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DENOTES:
EXISTING LOT
COVERAGE
EXISTING LOT COVERAGE
TO BE REMOVED
NEW LOT
COVERAGE

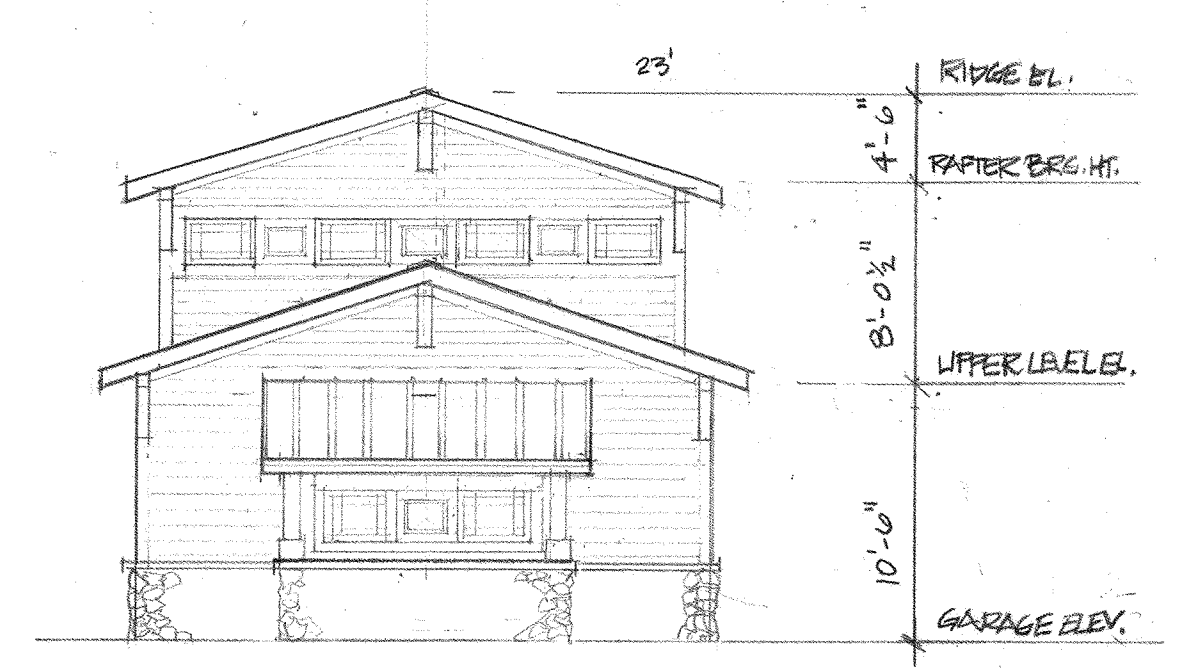
TOPOGRAPHIC MAP/CONDITIONS 132 EAST LAKE DRIVE SECTION 7, LOT P/O 7 BAY RIDGE

PLAT BOOK 03 PAGE 44
TAX MAP: 57 GRID: 10 PARCEL: 29
2ND TAX DISTRICT A.A. COUNTY, MD
SCALE: 1" = 30' DATE: SEPTEMBER 2025 SHEET 1 OF 1

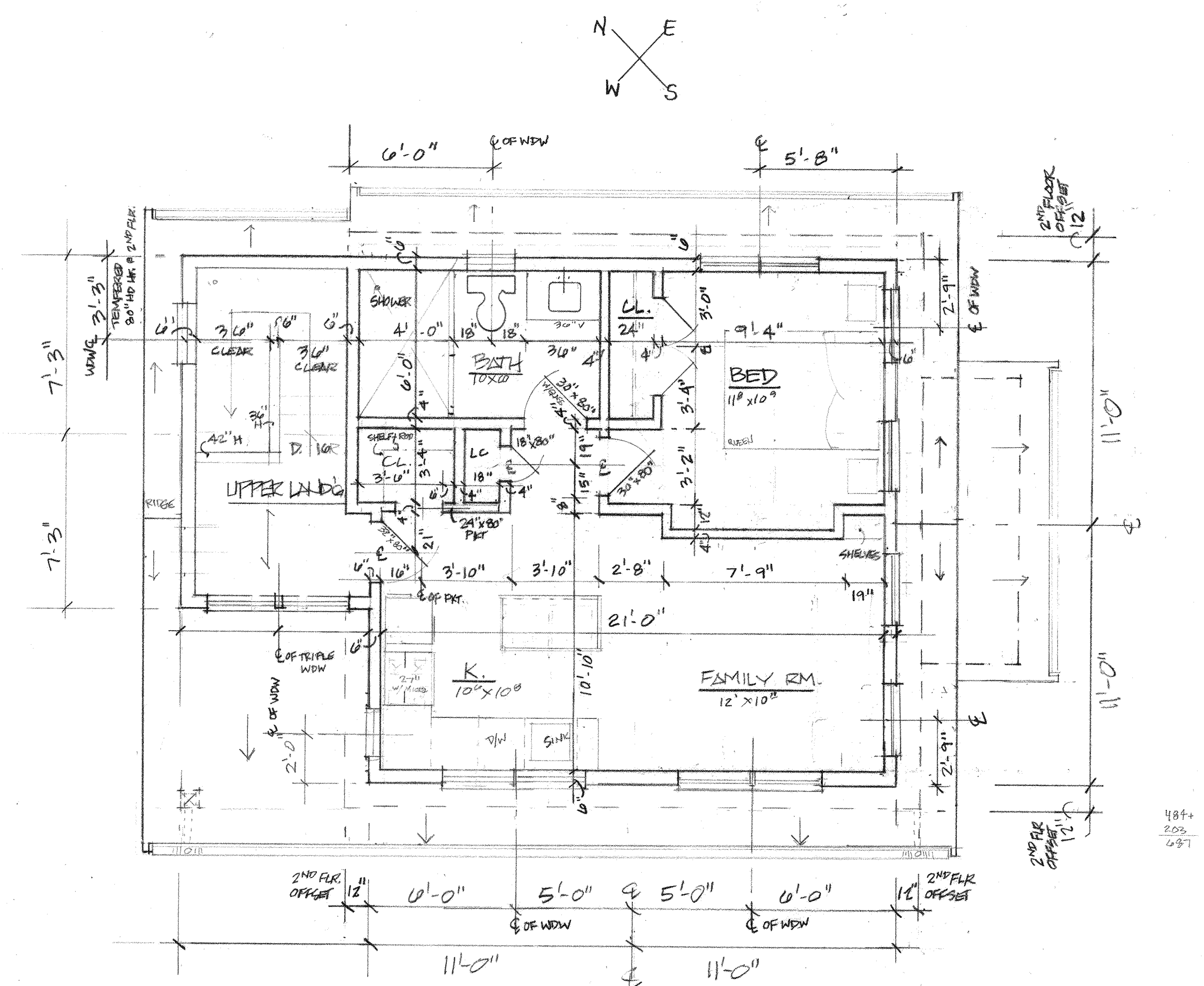


4 SOUTHWEST ELEVATION
SCALE: 1/8"=1'-0"

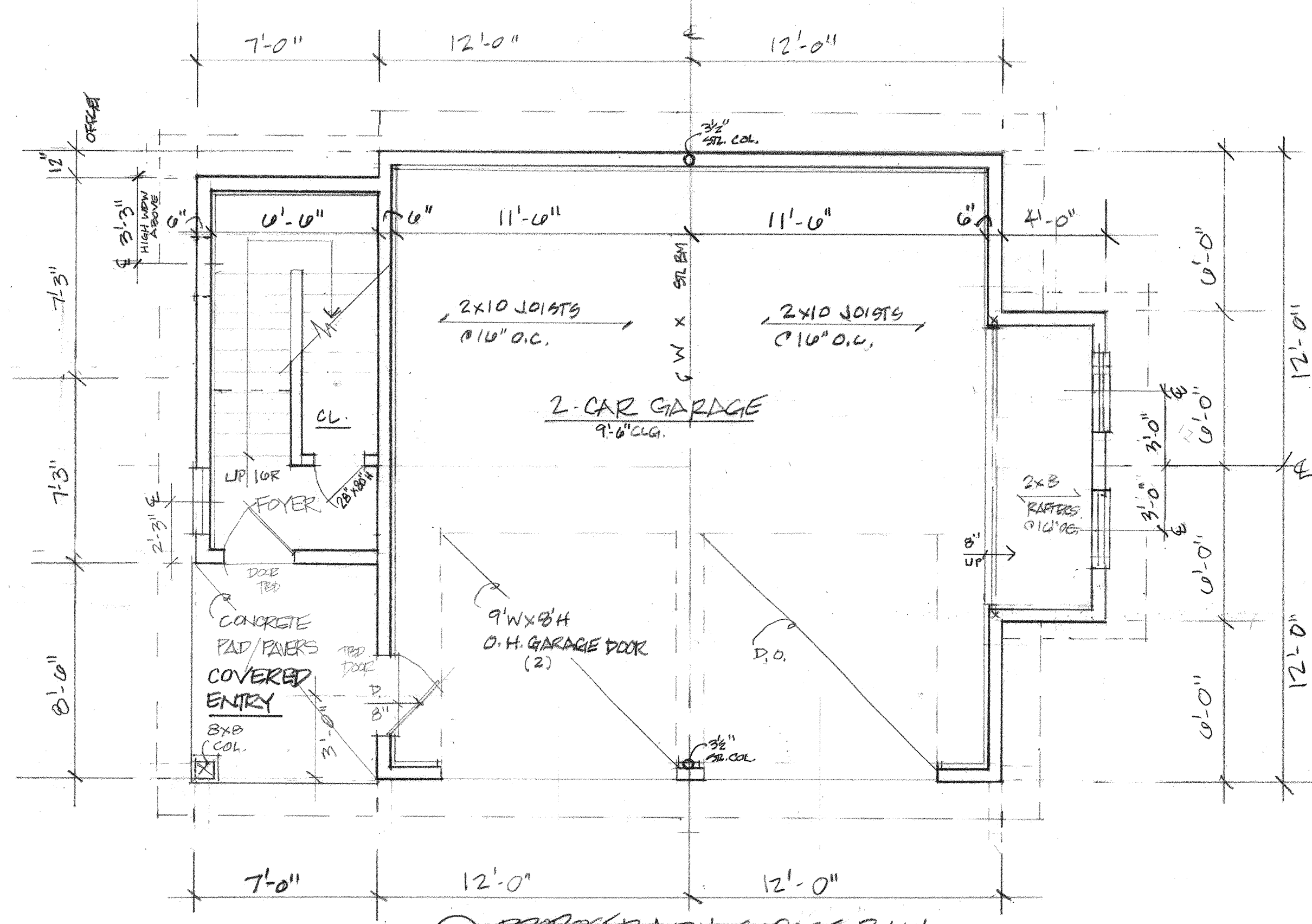
3 NORTH WEST ELEVATION
SCALE: 1/8"=1'-0"



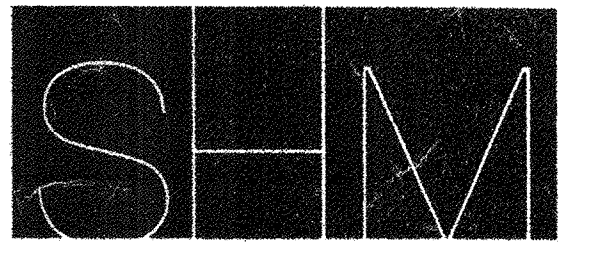
5 SOUTHEAST ELEVATION
SCALE: 1/8"=1'-0"



2 UPPER LEVEL FLOOR PLAN-PROPOSED
SCALE: 1/4"=1'-0"



1 PROPOSED ADULT GARAGE PLAN
SCALE: 1/4"=1'-0"



DESIGNS
CUSTOM DESIGN & ARCHITECTURE

DESIGN TEAM

ARCHITECT:
SHM DESIGNS
645 B & A BOULEVARD, SUITE 101
SEVERNA PARK, MD 21146

CEL: 410-533-4793

STRUCTURAL CONSULTANT:
DAVID WALLACE, P.E.
701 CHEESAPEAKE AVE.
ANNAPOLIS, MARYLAND 21403
TEL: 410-544-1225

PROJECT

Additions &
Renovations to:

WALLACE
RESIDENCE

132 EAST LAKE DRIVE
ANNAPOLIS, MARYLAND
21403

ISSUANCE

PROGRESS SET

9-5-25

OWNERSHIP OF
DOCUMENTS NOTICE

DRAWINGS AND SPECIFICATIONS, AS
INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE
PROPERTY OF SHM DESIGNS. THESE DOCUMENTS
ARE NOT TO BE REPRODUCED IN ANY FORM AND
THEY SHALL NOT BE USED BY ANY ENTITY, EXCEPT
BY WRITTEN AUTHORIZATION AND PERMISSION
FROM, AND AGREEMENT WITH, SHM DESIGNS.

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DRAWN BY: SHM	CHECKED BY:
PROJECT NO: 2013-1132	SCALE: AS NOTED
DRAWING TITLE: ADULT GARAGE PLANS & DETAILS	

DRAWING NO:
GARAGE
ADULT-10F



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0081-P
DATE: 08/13/2025
STAFF: Joan A. Jenkins (OPZ)

APPLICANT/REPRESENTATIVE: Gordon & Mary Wallace / Fred Kennard (Messick)

EMAIL: walla88@comcast.net / engr@messickandassociates.com

SITE LOCATION: 132 E. Lake Dr., Annapolis, MD

LOT SIZE: 18,724 sf

ZONING: R2 **CA DESIGNATION:** LDA **BMA:** yes or **BUFFER:** no **APPLICATION TYPE:** VAR

DESCRIPTION:

The applicant proposes to construct a two-story accessory structure with a first floor garage and a 2nd floor ADU.

COMMENTS:

Zoning Administration Section:

Note: a pre-file was not necessary for the construction of an accessory structure requiring a setback variance.

Comments regarding the site plan:

- The rear setback is 7' for an accessory structure, shown is 25'. Fix this for the variance application.
- Add the height of the proposed structure on the site plan in the location of the proposed structure.
- Note that the ADU may be no larger than 800 square feet. If the stairs have access into the garage then the garage area is counted as part of the ADU square footage. Submit a floor plan with the variance.

INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.