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Anne Arundel County, Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

RE: 312 Boxwood Grove Lane
Annapolis, MD 21403
Variance Extension Request

Sir/Madam:

On behalf of my client, enclosed is an application package for a variance for the above-mentioned property. Specifically, a variance is requested to Article 18, Section 16-405(a) for a time extension to the variance expiration.

On April 2, 2024, Ronald B. Steele and Bonnie L. Van Sciver-Steele, received variance approval (2024-0011-V) applied for and received an extension to the previously approved variance (2022-0141-V) to allow a disturbance of the 50-foot planted buffer to allow applicants to construct the proposed dwelling and driveway, the order of which is included as Attachment 1. The decision approved variance the §18-4-401(b) to allow the proposed dwelling and driveway to be partially located within the 50-foot planted buffer.

On April 15, 2025, 312 Boxwood Grove, LLC purchased the property from Mr. and Mrs. Steele. 312 Boxwood Grove LLC is a single member LLC created specifically for the purchase of this property. This entity was created to provide the owner, and sole-member, privacy in their enjoyment of this property. Due to this short amount of time of ownership, this extension is requested to provide the new owner appropriate time to meet project requirements and secure permits the prior owner was provided when the variance was granted.

Thank you for your attention to this matter. Please contact me if I may be of further service during your review of this variance request.

Kind Regards,



Stephen McClung, Esq.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2024-0011-V

RONALD B. STEELE AND BONNIE L. VAN SCIVER-STEELE

SECOND ASSESSMENT DISTRICT

DATE HEARD: MARCH 28, 2024

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **JENNIFER LECHNER**

DATE FILED: **APRIL 2, 2024**

PLEADINGS

Ronald B. Steele and Bonnie L. Van Sciver-Steele, the applicants, seek a variance (2024-0011-V) to allow an extension in time for the implementation and completion of a previously approved variance on property with a street address of 312 Boxwood Grove Lane, Annapolis, MD 21403.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Ronald Steele testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on March 28, 2024, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicants.

The Property

The applicants own the subject property which has frontage along the northwest side of Boxwood Grove Lane, 1,150 feet northwest of Arbutus Road, Annapolis (Tax ID: 2000-0334-9500). It is identified as Lot R of Parcel 297 in Grid 20 on Tax Map 51H. The property comprises 2.39 acres and is zoned

residential low density district (RLD). This waterfront lot on Crab Creek is designated in the Chesapeake Bay Critical Area as limited development area (LDA). The shoreline is partially mapped in the buffer modification area (BMA) and partially outside the BMA.

The subject property is developed with a 1½ story single-family dwelling (c.1920), a detached garage, detached carport and driveway. A pier is located on the west side of the property. The property is served by a private well and septic.

The Proposed Work

The applicants are requesting an extension in time for the implementation and completion of a previously approved variance (Case No. 2022-0141-V) to allow a dwelling and associated facilities with less setbacks and planted buffer than required.

The Anne Arundel County Code

§ 18-16-405(a) stipulates that a variance or special exception that is not extended or tolled expires by operation of law unless the applicants obtain a building permit within 18 months of approval.

On November 29, 2022, the Administrative Hearing Officer granted a zoning variance (Case No. 2022-0141-V) to allow disturbance to the 50-foot planted buffer to allow the applicants to construct the proposed dwelling and driveway.

The Variance Requested

The applicants seek an 18-month extension in time in which to implement and complete the variance granted in Case No. 2022-0141-V.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Jennifer Lechner, zoning analyst with OPZ, presented the following findings:

- The prior variance case was granted on November 29, 2022 and will expire on May 29, 2024. This application for an extension in time was made January 11, 2024, prior to the expiration of the variance approval.
- The applicants' letter explains that many unexpected personal issues were hampering their focus on the property, and they are now faced with the realization of how long it takes to get through the steps of building a new home. The applicants state that the bulk of time lost was dealing with the recovery and complications of Ms. Steele's open heart surgery, coupled with tending to the healthcare of her out-of-state elderly parents. Their letter further states that the stress of the present expiration date of June 2024, has become overwhelming and they are, therefore, requesting an extension to the expiration date.
- OPZ has found that a grading permit, G02019316, to construct a single family dwelling was submitted on March 9, 2022. That permit appears to be pending review comments dated December 22, 2023. A building permit to

demolish the existing house and construct a new dwelling has not been submitted.

- There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.
- For the granting of a time extension variance, a determination must be made as to whether the applicants diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicants delaying the permitting process. It would appear that the delay in the permit process is a result of unforeseen health issues of the applicants and their parents, rather than a deliberate delay to draw out the process. As such, this OPZ supports the variance request for a time extension.
- Based upon the standards set forth in § 18-16-305 under which a variance may be granted, OPZ recommends *approval* of a zoning variance.

Other Testimony and Exhibits

Ronald Steele, one of the applicants, testified that his wife and other family members have had to deal with multiple medical situations which have prevented them from obtaining the necessary permits and approvals to carry out the work approved in Case No. 2022-0141-V within the allotted time period. An extension

of 18 months should provide the applicants with sufficient time to finalize the work.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

Requirements for Zoning Variances

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. "Uniqueness" requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of

the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variance

I find, based upon the evidence, that because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicants to develop the lot. The evidence is clear that the applicants have been delayed by medical events which have prevented them from obtaining the approvals and permits to carry out the work granted in Case No. 2022-0141-V.

I further find that the requested variance is the minimum variance necessary to afford relief, that the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, 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, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of Ronald B. Steele and Bonnie L. Van Sciver-Steele, petitioning for a variance to allow an extension in time for the implementation and completion of a previously approved variance on property with a street address of 312 Boxwood Grove Lane, Annapolis, MD 21403;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **2nd day of April, 2024**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a zoning variance to the time limitation in § 18-16-405(b) to extend the time until **October 2, 2025** to obtain a building permit to complete the work allowed in Case No. 2022-0141-V.

Furthermore, County Exhibit 2, referenced in the decision and order granted in Case No. 2022-0141-V is incorporated herein as if fully set forth and made a part of this Order.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANTS

This Order does not constitute a building permit. In order for the applicants to construct the structures permitted in this decision, the applicants must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **A permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.

