

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

APPLICANT: Sharon L Turner

ASSESSMENT DISTRICT: 5

CASE NUMBER: 2025-0141-S

COUNCIL DISTRICT: 1

HEARING DATE: December 11, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a Special Exception to perfect the expansion of floor area of a registered nonconforming use (two-unit dwelling), on property located at 5825 Belle Grove Road, in Baltimore.

LOCATION AND DESCRIPTION OF SITE

The subject property is a corner lot, located at the southeast corner of Gibbons Avenue and Belle Grove Road, within the Patapsco Park neighborhood (Parcel 254, Grid 23, Tax Map 1, Lot 361). The property is approximately 3,900 square feet and zoned R5 - Residential. It is improved with a two-story, two-unit dwelling (Unit 1 - 1st floor & Unit 2 - 1st & 2nd floor), with a one-story attached addition (expanded nonconforming floor area), and a detached garage. The two units on the property are approved under nonconforming use case 1995-0012-N. The decision letter quantified the approved, designated areas and square footage. However, within the approved decision for 1995-0012-N, there is a discrepancy between the area calculations listed in the text and the calculated areas and square footage based on the dimensions from the site plan, Exhibit "C". Below is a summary of the square footage discrepancy.

First Dwelling Unit

Listed Square Footage from 1995-0012-N decision

- 1,019 square feet
 - 1st floor: 305 sq ft
 - 2nd floor: 714 sq ft

Site Plan Square Footage from 1995-0012-N decision

- 1,289.5 square feet
 - 1st floor: $22'-6'' \times 15'-6'' = 348.75$ sq ft
 - 2nd floor: $(22'-6'' \times 15'-6'') + (25' \times 23'-8'') = 940.75$ sq ft

Second Dwelling Unit

Listed Square Footage from 1995-0012-N decision

- 670 square feet

Site Plan Square Footage from 1995-0012-N decision

- 592 square feet
 - 1st floor: $25' \times 23'-8'' = 592$ sq ft

PROPOSAL

The applicant proposes to perfect the existing floor area expansion (352 square feet) to the existing dwelling(s) from a nonconforming use decision (1999-0012-N). The 16' x 22' floor area expansion was completed with an approved variance, but without receiving special exception approval from the Administrative Hearing Officer, and now requires special exception approval.

FINDINGS

The subject property is rectangular in shape and consists of approximately 3,900 square feet, below the required R5 minimum lot size of 5,000 square feet (if served by public sewer). State tax assessment records show the existing home was constructed in 1949, prior to the adoption of zoning.

Under case number 2007-0252-V, a variance was granted to allow a dwelling addition with less setbacks than required and more coverage by structures than allowed. The construction of a 22' x 16', single-story addition, for a bedroom and bathroom, was completed under permit number B02244655. Both the variance and the permit referred to an addition to a single family dwelling, rather than the expansion of floor area for nonconforming use.

As such, the approved permits were issued and the floor area was expanded, without the required approval from the Administrative Hearing Officer, via special exception approval. The existing floor area expansion of 352 square feet is below the maximum allowable of 30%.

Agency Comments

The **Long Range Planning Department** has reviewed the above referenced special exception request and provided the following comments:

The approximately 0.09-acre site is located within the Neighborhood Preservation Development Policy Area. The site and surrounding properties are designated as Low-Medium Density Residential on the Plan2040 Planned Land Use Map. Zoning for this site and surrounding properties are zoned R5. The site is within the Priority Funding Area.

Findings:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of Plan2040, including:

- Policy BE3.2: Ensure infill development and redevelopment in existing residential neighborhoods are compatible in scale, use, form, and intensity with the surrounding neighborhood character.
- Goal BE11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels.

Region 1 Plan: The site is within the Region Planning Area 1. The Region Plan was adopted on May 5, 2025. The Region 1 Plan does not have recommendations that are specific to this site,

and the proposal is generally consistent with the goals, policies, and strategies of the Region 1 Plan.

2022 Water and Sewer Master Plan: The site is within the Existing service category in the Baltimore City Sewer Service Area and within the Existing 295 service category in the Glen Burnie High Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

The Maryland Department of Transportation (MDOT)

The address is located within BWI Marshall 4-mile radius. The applicant must file for an Airport Zoning Permit (AZP) with the Maryland Aviation Administration (MAA) Office of Planning and Environmental Services (OPES) in accordance with Code of Maryland (COMAR) 11.03.06.03A. The permit application can be accessed on the MAA website under 'permits and forms' tab.

Upon completion, send with available site plans to maaairportzoningpermit@bwiairport.com

The **Health Department** has reviewed the above referenced special exception to perfect the expansion of floor area of a registered nonconforming use (two-unit dwelling) in an R5 district.

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.

The **Cultural Resources** Section provided the following:

This property is located in the Belle Grove Rd. Historic District (AA-2360) and the Cultural Resources Section has no objection to this special exception, since it does not propose an adverse effect.

Please note that all development applications for this property shall be reviewed per Article 17-6-501.

NONCONFORMING USE SPECIAL EXCEPTION STANDARDS

§ 18-15-103 of the Anne Arundel County Code states that the Administrative Hearing Officer may grant a special exception for expansion of a nonconforming use or a special exception for combining floor area when more than one structure on the same property is used for the nonconforming use, subject to compliance with the following:

EXPANSION OR COMBINATION OF FLOOR AREA CRITERIA

1. A proposed expansion of floor area, land area, or water area may not exceed 30% of the area authorized under the nonconforming status of the property, except that each type of area is to be considered separately and no area may be substituted for another area;

The existing floor area expansion does not exceed 30% area authorized under the nonconforming status of the property.

2. Existing and proposed facilities shall meet the lot area, screening, land-to-water ratio, height, parking, lot coverage, and, to the extent feasible, setbacks for the use specified in the zoning district in which the use is allowed;

The previously existing construction, and newly added floor area appear to meet these requirements, or varied requirements found in the decision for case 2007-0252-V.

3. Construction shall be designed to be as inoffensive as practicable in appearance and location to other properties in the area and, whenever practical, similarity in design to other buildings in the area and appropriate landscaping shall be provided; and

The newly added floor area appears to meet these requirements.

4. Construction shall be undertaken in accordance with the requirements of this section and of the Administrative Hearing Officer concurrently so that each change or improvement is completed at or near the same time.

Construction was not undertaken in accordance with the requirements of this section and the Administrative Hearing Officer concurrently. The existing floor area expansion was never approved by the Administrative Hearing Officer as an expansion of a nonconforming use..

SPECIAL EXCEPTION CRITERIA

With regard to the specific special exception requirements of § 18-15-103, this Office submits the following findings:

1. The use will not be detrimental to the public health, safety, or welfare;
2. The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;
3. Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;
4. The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;
5. The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;
6. The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning
7. The proposed use is consistent with the County General Development Plan
8. The applicant has presented sufficient evidence of public need for the use;

9. The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;
10. The application will conform to the critical area criteria for sites located in the critical area; and
11. The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

The subject property's area is below the required R5 minimum lot size of 5,000 square feet (if served by public sewer). This undersized lot has already been approved as a two-dwelling nonconforming use. A variance was granted and building permits were issued for the construction. However, the variance and building permits listed the new construction as an addition to a single-family dwelling, rather than the expansion of a nonconforming use.

Depending on the area calculations determined to be *most* correct (areas listed in text vs. site plan calculated areas) from the original nonconforming use decision, 1995-0012-N, the additional 352 square feet (16' x 22') could be absorbed by a first dwelling unit, without exceeding the allowable 30% expansion. If the calculations from the Exhibit "C" site plan from 1995-0012-N are utilized, the additional 352 square feet added to the first dwelling unit would equate to a 27.3% increase.

Since the Exhibit "C" site plan from 1995-0012-N shows actual dimensions that can be calculated and confirmed, I believe these dimensions and calculations should be utilized going forward. It is unclear how the numbers from the text were determined, making it harder to justify their usage. Utilizing the site plan area calculations would allow the applicant to more easily perfect the expanded floor area by adding it to the existing first dwelling unit. Given the construction was completed in compliance with building permits and the previously approved variance, and the added floor area can be absorbed by one or both of the existing dwelling units, special exception approval could bring the property into compliance.

RECOMMENDATION

Based upon the standards set forth in § 18-16-304 of the Code under which a special exception may be granted, the Office of Planning and Zoning recommends approval of the requested variance to § 18-15-103(a)(1) to perfect the expansion of floor area, not exceeding 30% of the area authorized under the nonconforming status of the property.

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.

SITE PLAN

Address:
5825 BELLE GROVE RD
BALTIMORE, MD 21225

Assessor's Parcel Number:
05-624-07799400

Parcel Area:
0.09 Acres

Land Use:
Residential
Single Family Residence

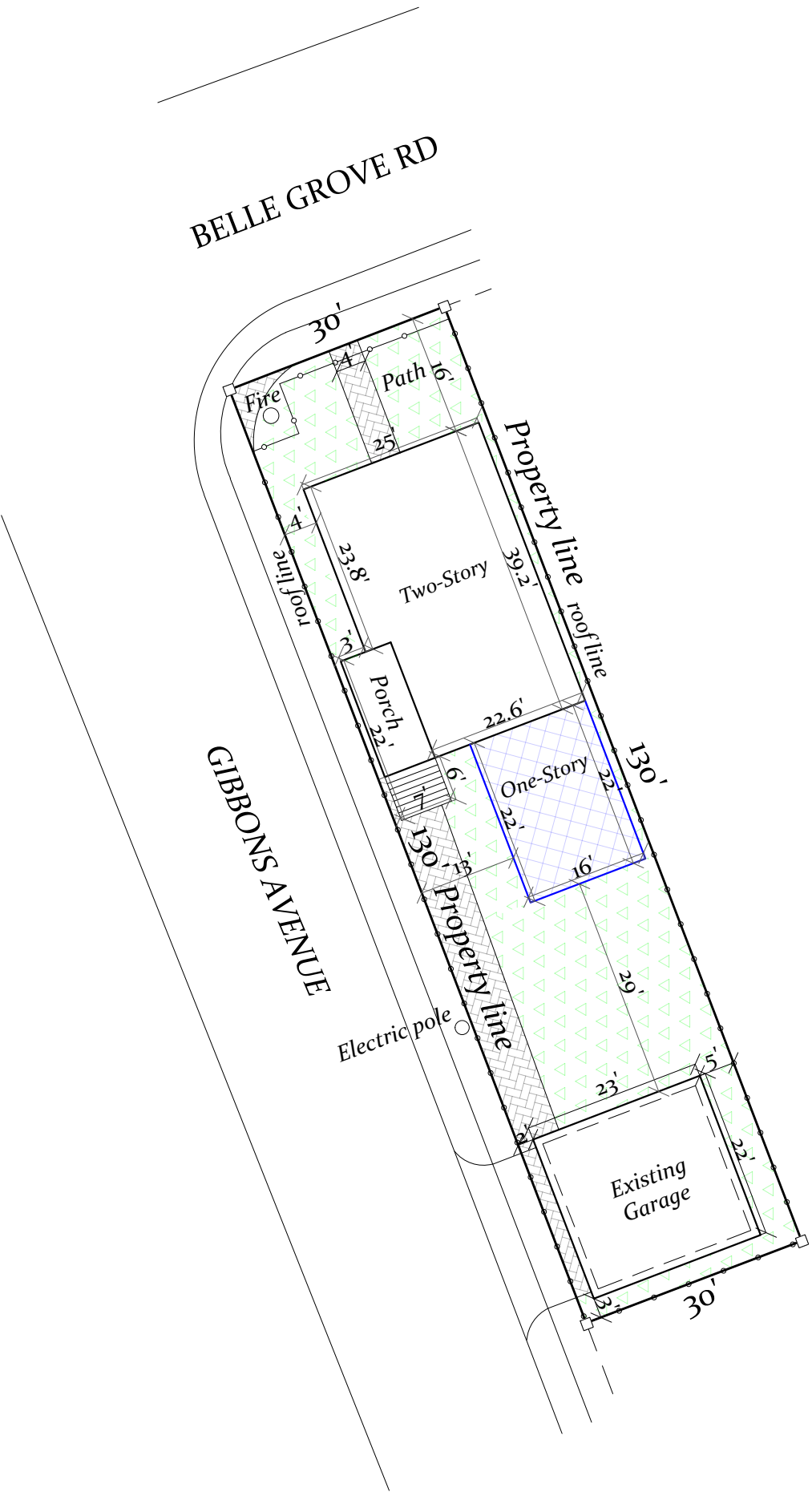
Zoning: R5
Legal Description:
LT 361 5825 BELLE GROVE RD
PATAPSCO PARK

Subdivision:
/

Owner: TURNER, SHARON
LINETTE

Paper size & scale:
11" x 17"; 1"=20'

Date: July, 2025



Scale:
1"=20'
Paper size:
11" x 17"

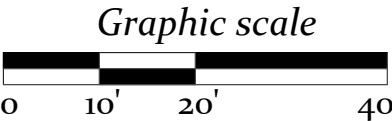
- Legend**
- Property line
 - Topography line
 - Wall line
 - Roof line
 - Retaining wall
 - Fence
 - Proposed addition

Disclaimer

This is not a Legal Survey, nor is it intended to be or replace one.

These measurements are approximate and are for illustrative purposes only.

This work product represents only generalized location of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, objects or boundary.



Letter of Explanation – Revised
RE: Special Exception Application 2025-0141-S
5825 Belle Grove Rd, Brooklyn, MD 21225
Date: July 28, 2025

To the Office of Planning and Zoning:

This letter is submitted in support of the revised Administrative Site Plan and accompanying documents for the above-referenced special exception request to expand a registered nonconforming use at 5825 Belle Grove Road.

In accordance with Section 18-15-103 and Section 18-16-304 of the Anne Arundel County Zoning Code, we offer the following statements to demonstrate compliance with the special exception criteria:

1. Section 18-15-103 – General Standards

- Harmony with the Comprehensive Plan: The existing use of the property as a two-unit residential structure has been long established. The proposed expansion does not increase the number of dwelling units, but seeks to formally align current use with zoning standards.
- No adverse effect on neighboring properties: The expansion maintains the existing residential character and footprint of the structure, with no anticipated impact on public safety, traffic, or surrounding uses.
- Public utilities and services: The property is currently served by public water, sewer, and emergency services and will continue to be adequately served without additional strain.

2. Section 18-16-304 – Expansion of Nonconforming Uses

- Does not exceed 30% increase: As shown on the attached Administrative Site Plan, the proposed expansion remains within the 30% threshold per unit, clearly labeled and dimensioned.
- Maintains compatibility: No change to the exterior façade is proposed beyond the minimal expansion. The materials, scale, and orientation remain consistent with the original structure.
- Necessary for continued viability: The formal expansion is sought to bring the property into compliance and maintain its long-standing residential utility as a multi-unit structure.

We respectfully request your review and consideration of the enclosed materials and appreciate your guidance throughout this process.

Sincerely,
Sharon Turner
Owner of Record
410-598-1231
linetteturner@gmail.com/turnerrentalsllc57@gmail.com

ALERT: UPDATE: The Maryland State Archives is suspending the implementation of the new version of the Maryland Land Records website that incorporates fees. The Archives looks forward to working with the General Assembly, the Judiciary, and the Executive Department on a sustainable funding plan that supports the electronic platform which provides access to Maryland's land records, as well as all of our archival collections. We appreciate the feedback we've received from stakeholders and welcome continued suggestions to msa.helpdesk@maryland.gov.

NO TITLE EXAMINATION
NO CONSIDERATION

DEED CONVEYING PROPERTY FROM SHARON LINETTE
TURNER TO SHARON LINETTE TURNER AND
WAYNE CURTIS TURNER AND BRANDI RENE PACE

THIS DEED, made this 23rd day of February, 2023, by and
between SHARON LINETTTE TURNER, party of the first part, GRANTOR; and SHARON
LINETTE TURNER and her brother, WAYNE CURTIS TURNER, and her daughter, BRANDI
RENE PACE, parties of the second part, GRANTEEES.

WITNESSETH, that for good and valuable consideration but no actual monetary
consideration, the said SHARON LINETTE TURNER, does grant and convey unto the said
SHARON LINETTE TURNER, WAYNE CURTIS TURNER and BRANDI RENE PACE as joint
tenants with rights of survivorship, their personal representatives and assigns, in fee simple,
that lot of ground situate in Anne Arundel County, Maryland, known as 5825 Belle Grove Road,
Baltimore, MD 21225 and described as follows:

15 - Taxes)
Recording Fee 20.00
Name: turner
Ref:
LR - Deed (No-Taxes)
Surcharge 40.00
SubTotal: 60.00
Total: 60.00
04/04/2023 02:48
CC02-MD
#17115579 CC0501 -
Anne Arundel
fee simple 11.00 -
Register 08

View document in separate tab

ANNE ARUNDEL COUNTY CIRCUIT COURT
(Land Records)
2023-2023
SAP 39566, p. 0075
MSA CE 59-40008

« Previous

Next »

Jump to new page

Page: Go!

Display range of pages

Start: End: Go!

NOTE: Limit 10 pages

[+]Send Image Feedback

Critical Area Narrative

5825 Belle Grove Road, Brooklyn, MD 21225

1. Proposed Use of Property

The subject property is an existing two-family residential dwelling registered under a nonconforming use. The proposed Special Exception request seeks to expand the floor area within one of the two approved dwelling units. The property is fully developed and serves as residential use only; no commercial, industrial, or maritime activity exists or is proposed.

2. Vegetation and Mitigation

The property is located within the Chesapeake Bay Critical Area and is designated as IDA (Intensely Developed Area). No forested or heavily vegetated areas exist on site. The site is largely covered by structures, paved driveway, and maintained lawn with ornamental shrubs and grass. No disturbance to existing vegetation is anticipated.

3. Water Quality Protection Measures

The project does not propose any new construction or land disturbance. All stormwater runoff from existing impervious surfaces is managed by existing municipal infrastructure. No additional stormwater management systems or erosion controls are required because no grading or soil disturbance is planned.

4. Impervious Surface Calculation

The property consists of approximately 3,900 square feet (0.09 acres). Current impervious surfaces, including the house, driveway, and walkways, remain unchanged. No new impervious surfaces are proposed, and no reduction in vegetated area is anticipated.

5. Habitat Protection Areas

There are no Habitat Protection Areas (HPAs) on the property. The site contains no expanded buffers, steep slopes greater than 15%, or sensitive habitat areas such as tidal wetlands or rare species habitats. No impact to plant or wildlife habitats of local significance is expected.

FLOOR PLAN

Address:
5825 Belle Grove Rd
Brooklyn Park, MD 21225
Assessor's Parcel Number:
05-624-07799400

Parcel Area:
0.09 Acres

Land Use:
Residential
Single Family Residence

Zoning: R5

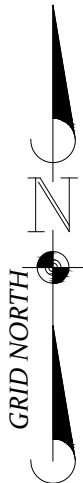
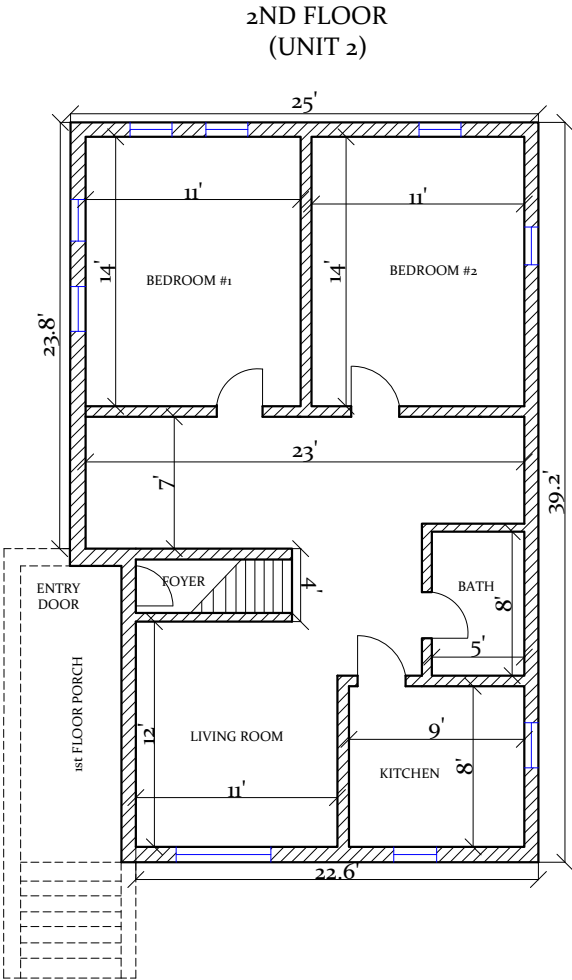
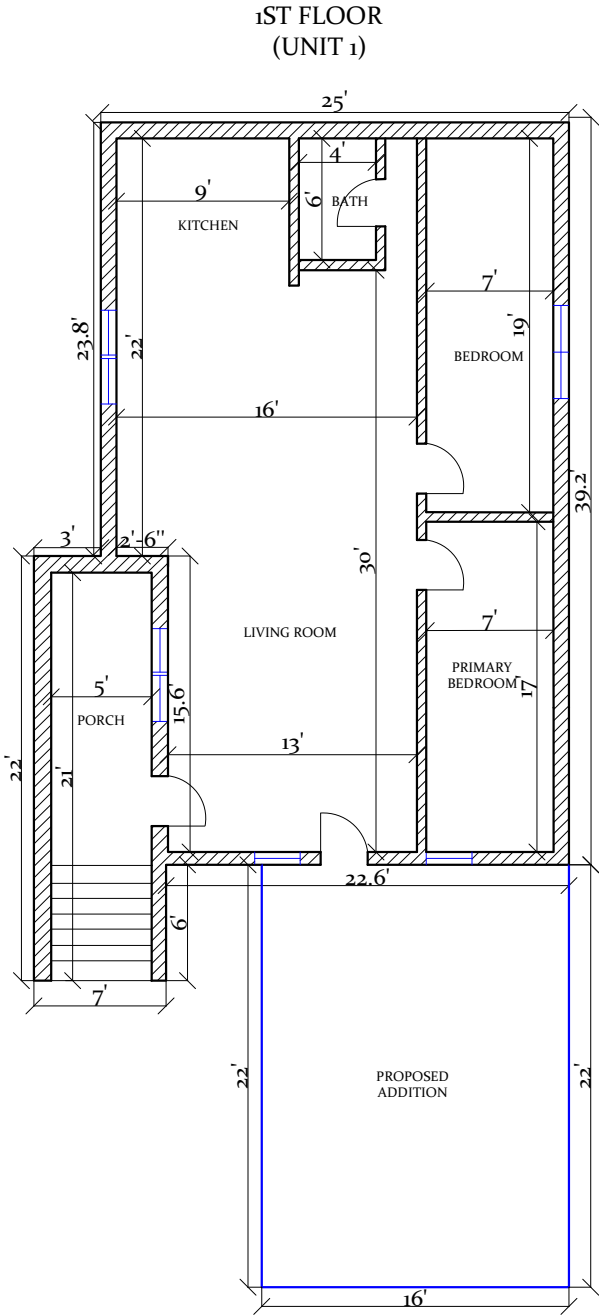
Legal Description: LT 361
5825 BELLE GROVE RD
PATAPSCO PARK

Subdivision: /

Owner: TURNER, SHARON
LINETTE

Paper size & scale:
11" x 17"; 1/10" = 1' 0"

Date: July, 2025



Scale:
1" = 10'
Paper size:
11" x 17"

Legend

- Property line
- Topography line
- Wall line
- Roof line
- Retaining wall
- Fence
- Proposed addition

Disclaimer

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Graphic scale



MEMORANDUM

TO: Zoning Division

FROM: Samuel Meyers, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: November 5, 2025

Name of Project: 5825 Belle Grove Rd
Case#: 2025-0141-S
Location: 5825 Belle Grove Rd, Baltimore
Tax Map 1, Grid 23, Parcel 254, Lot 361
Region Planning Area: Region 1
Community: Brooklyn Park

Summary:

This Special Exception requests to perfect the expanded nonconforming use to construct a 158 square-foot addition and provide a third dwelling unit. The property is the subject of a non-conforming use, 1995-0012-N, which registered a two-story structure with two dwelling units. A variance, 2007-0252-V, had been granted to allow a dwelling addition with less setbacks than required and more coverage by structures than allowed.

The approximately 0.09-acre site is located within the Neighborhood Preservation Development Policy Area. The site and surrounding properties are designated as Low-Medium Density Residential on the Plan2040 Planned Land Use Map. Zoning for this site and surrounding properties are zoned R5. The site is within the Priority Funding Area.

Findings:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of Plan2040, including:

- Policy BE3.2: Ensure infill development and redevelopment in existing residential neighborhoods are compatible in scale, use, form, and intensity with the surrounding neighborhood character.
- Goal BE11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels.

Region 1 Plan: The site is within the Region Planning Area 1. The Region Plan was adopted on May 5, 2025. The Region 1 Plan does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies, and strategies of the Region 1 Plan.

2022 Water and Sewer Master Plan: The site is within the Existing service category in the Baltimore City Sewer Service Area and within the Existing s295 service category in the Glen Burnie High Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.



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", located next to the name Brian Chew.

DATE: October 21, 2025

RE: Linette Sharon Turner
5825 Belle Grove Road.
Baltimore, MD 21225

NUMBER: 2025-0141-S

SUBJECT: Variance/Special Exception/Rezoning

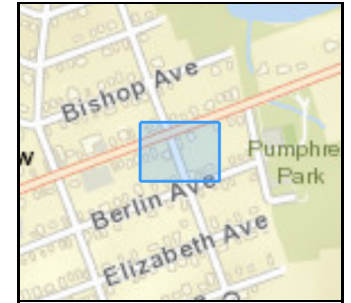
The Health Department has reviewed the above referenced variance to allow special exception to perfect the expansion of floor area of a registered non-conforming use (two-unit dwelling) in an R5 District.

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

5825 Belle Grove Road



Legend

Foundation

Addressing



Parcels

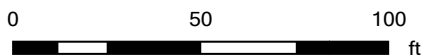


Parcels - Annapolis City



This map is a user generated static output from an Internet mapping site and is for reference only.
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

ADMINISTRATIVE DECISION

Leona James
5825 Belle Grove Road
Baltimore, MD 21225

ASSESSMENT DISTRICT: Fifth
NC NUMBER: 12-95
PREMISE: 5825 Belle Grove Road
Baltimore, MD 21225

This Administrative Decision is the direct result of an application by Leona James to register 5825 Belle Grove Road, Baltimore, Maryland 21225 as a lawful nonconforming use pursuant to Article 28, Section 14-103 of the Anne Arundel County Zoning Ordinance. Such registration is a prerequisite to obtaining a Zoning Certificate of Use, as required by Article 28, Section 1-128, and for applying for a Special Exception to expand a nonconforming use under the provisions of Article 28, Section 12-220.

The administrative process in this case was undertaken in accordance with the provisions of Article 28, Section 14-103, which charge the Department of Planning and Code Enforcement with the responsibility of determining the lawful nonconforming status of each applicant's operation, and has resulted in the compilation of documents, maps, photographs, and other material supplied by the applicant or collected by this Office. The material supports the following findings of fact.

The subject site consists of 3900 square feet, more or less, located approximately 30 feet along the south side of Belle Grove Road approximately 130 feet east of Gibbons Avenue. The property is designated as Parcel 254, Block 23, Tax Map 1. The site is further described in the latest deed recorded among the Anne Arundel County Land Records at Liber JHH 304 Folio 107.

The site is presently zoned R5 Residential District effective June 12, 1989 the date of the comprehensive rezoning for the Fifth Tax Assessment District.

The site is currently being used as two unit dwelling with the following uses and facilities, as shown on a site plan Exhibit "C" prepared by Paul J. Carter dated May 21, 1995:

First Dwelling Unit - 1st floor with 305 square feet and second floor with 714 square feet for a total of 1019 square feet of floor area used as a residence.

Second Dwelling Unit - 1st floor front lower level efficiency apartment with 670 square feet of floor area used as a residence.

Garage - 405 square feet used as a two car residential garage.

Basement - 265 square feet used for residential storage.

In order to qualify as lawfully nonconforming, each use of the subject property must satisfy the provisions of Article 28, Title 14 of the 1971 Zoning Ordinance as recodified in 1985, and, if appropriate, Sections 13-310 and 13-311 of the 1952 Zoning Ordinance. Article 28, Title 14 of the 1971 Code requires that in order for a nonconforming use to be lawful, such use shall have been lawful under the 1952 Code, and that a nonconforming use lapses if it ceases for a period of time longer than twelve consecutive months. The 1952 Code required that a lawful nonconforming use has to predate the regulations, and could not be abandoned for longer than 12 consecutive months. Therefore, in this case, the Administrative Decision shall determine: (1) whether a lawful nonconforming use existed at the time of adoption of the 1952 regulations, (2) whether a lawful nonconforming use existed at the time of the adoption of the 1971 regulations, (3) whether said use has continuously operated, and (4) the extent of the lawful nonconforming use.

Discussion

The structure that is the subject of this application was specifically designed and built in 1949 as a home with an area at the front of the building designed as a grocery store. From 1949 through 1991 the structure was continuously used as a residence and grocery store. In 1991 the retail grocery, known as "James Grocery", ceased operation and the space was converted to living quarters for rental income. The applicant contends that she and her husband had always planned to convert the grocery store from retail space to residential space upon retirement.

Zoning History

At the time of the adoption of the 1952 Zoning Ordinance, the subject property was zoned E - Heavy Commercial District. Under Section 13-347.1(a) of the 1952 Zoning Ordinance a two unit dwelling and a grocery store were uses permitted by right.

As a result of comprehensive zoning for the Fifth Assessment District, the subject property was reclassified R5 Residential District effective July 12, 1976. Currently the site is classified R5 Residential District. Under Section 2-502 of the Anne Arundel County Zoning Ordinance a two unit dwelling is not permitted as a matter of right. Therefore, the applicants must prove that a two unit dwelling has existed since before July 12, 1976 and has been continuously used as such to date.

The following was submitted by the applicants or collected by this Office to substantiate the continued use of the subject property.

Evidence

1. Maryland State Department of Assessments and Taxation tax

records and worksheets for the subject property for the years 1971 through 1996. The records indicate that the structure was built as a two story structure with basement in 1949. The records also indicate that at some point in time the property had a commercial use code which is evidenced by a "C" use code modified by the assessor from a "C" to "R" for residential.

2. Affidavit of Leona James, undated. In her affidavit Mrs. James states that she has resided at the subject property since 1949. She further states that the structure was used as a grocery store and residence from 1949 to 1991.

3. Notarized affidavit of Bertha Turner dated March 28, 1995. In her affidavit Mrs. Turner states knowledge of the grocery store use at the subject property from 1949 through 1991.

4. State of Maryland License 157259 for 1991 for a vending machine and traders license located at James Grocery of 5828 Belle Grove Road.

5. Cigarette Venders Agreement dated January 18, 1977 between James Grocery and Midfield Vending Company.

6. Letter dated April 6, 1995 from the Circuit Court for Anne Arundel County regarding business records for the subject property. The letter states that license records are kept on file for only four years.

7. Letter from Baltimore Gas and Electric Company dated May 4, 1995 indicating that electric service commenced at the subject property on June 28, 1949.

8. Photocopy of a contract between Arundel Home Improvements and Weldon James dated June 12, 1992 to convert the grocery store space to living quarters at a cost of eight thousand dollars.

9. Photocopy of a contract between Arundel Home Improvements and James Weldon dated August 25, 1992 to complete a bath and install heat at a cost of five thousand dollars.

10. Photocopies of nine cancelled checks from Weldon and Leona James to Sidney Reeds of Arundel Home Improvements. The checks total thirteen thousand four hundred dollars.

11. Seven photographs of the subject property showing the main structure and the garage structure.

Decision

Based on the evidence provided it appears a nonconforming use existed on the subject property prior to July 1, 1952. The grocery store and residence continued until 1991 when the commercial use

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2007-0252-V

SHEILA BYRD-HILL AND LEONA JAMES

FIFTH ASSESSMENT DISTRICT

DATE HEARD: SEPTEMBER 20, 2007

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

PLANNER: **PATRICIA A. COTTER**

DATE FILED OCTOBER 10, 2007

PLEADINGS

Sheila Byrd-Hill and Leona James, the applicants, seek a variance (2007-0252-V) to allow a dwelling addition with less setbacks than required and with greater coverage by structures than allowed on property located along the south side of Belle Grove Road, east of Gibbons Avenue, Baltimore.¹

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site 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 175 feet of the property was notified by mail, sent to the address furnished with the application. Ms. Byrd-Hill testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence with a street address of 5825 Belle Grove Road, in the Patapsco Park subdivision, Baltimore. The property comprises 3,900 square feet and is zoned R5 residential. The revised request is to construct a one-story addition (22 by 16 feet) four feet from the east side lot line

¹ The variance for greater coverage by structures was added as a result of the evidence produced at the hearing.

and 10 feet from the corner side street (Gibbons Avenue). The existing coverage by structures (dwelling and garage) is 1,525 square feet.

Anne Arundel County Code, Article 18, Section 18-4-701 provides that principal structures in the R5 districts shall maintain side yards seven feet wide with a corner side setback of 20 feet. Impervious coverage by structures shall not exceed 40 percent (1,560 square feet). Accordingly, the proposal requires variances of three feet to the east side setback, 10 feet to the corner side setback and a coverage variance in the amount of 317 square feet².

Patricia A. Cotter, a planner with the Office of Planning and Zoning, testified that the property is below the minimum area and width for the district. The existing dwelling is nonconforming to the front, east side and corner side setbacks. The detached garage in the rear yard is also nonconforming to the setbacks. The addition maintains the existing nonconforming east side setback but is set further from Gibbons Avenue (10 feet versus 2 feet) as compared to the dwelling. The witness conceded that development of the property is constrained by its narrow width (30 feet) and reduced area. Nevertheless, the variances are considered excessive. There were no adverse agency comments. By way of conclusion, Ms. Cotter opposed the application.

Ms. Byrd-Hill testified that the porch to this 1939 dwelling abuts Gibbons Avenue. Her grandparents operated a general store at the premises for 50 years.

² The calculation for the coverage variance is the difference between the allowance and the sum of the existing coverage and the area of the addition: $(1,560 - (1,525 + 352))$.

The addition is needed for members of her growing family. A 6-foot perimeter chain link fence surrounds the improvements. The fence line forms the line of division with the property to the east. The fence is partially covered by shrubbery in the area adjacent to the addition. The witness believes that the variance standards are satisfied. In particular, the adjoining property to the east is a vacant lot in common ownership with the next improved lot³; and the dwelling on the property to the rear is distant from the common boundary. There was no other testimony in the matter.

I visited the site and the neighborhood. The property is as described by the applicant. The dwelling is fairly sizeable (two full stories over basement) and well maintained. There are other nonconforming homes on Belle Grove Road. The dwelling to the east is equidistant from the road as the applicant's dwelling. The dwelling across Gibbons Avenue is about 10 feet from the side street.

The standards for granting variances are contained in Section 18-16-305. Under subsection (a), a zoning variance may be granted only after determining either (1) unique physical conditions, peculiar to the lot, such that there is no reasonable possibility of developing the lot in strict conformance with the code; or (2) exceptional circumstances such that the grant of a variance is necessary to avoid an unnecessary hardship, and to enable the applicants to develop the lot. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood,

³The property owner to the east supports the application.

substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

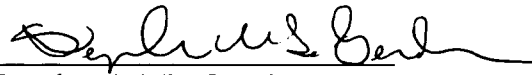
Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to conditional relief from the code. This property satisfies the test of unique physical conditions, consisting of its extremely narrow width and reduced area, as well as the location of the dwelling on a corner lot, such that there is no reasonable possibility of development in strict conformance with the code. As is often the case, the more difficult question is the extent of the relief. Although the addition is not overly large, the property is already substantially developed. On the other hand, the new construction maintains the nonconforming east side setback and is considerably further from the side street. In the circumstances, I have approved the request. But in recognition of the extent of the coverage by structures, I have included a condition proscribing any other new development. So conditioned, I find that the variances will not alter the essential character of the neighborhood, substantially impair the use or development of adjacent property or constitute a detriment to the public welfare. These findings consider the location of the addition behind the dwelling and the unimproved property to the east.

ORDER

PURSUANT to the application of Sheila Byrd-Hill and Leona James, petitioning for a variance to allow a dwelling addition with less setbacks than required and with greater coverage by structures than allowed; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 10th day of October, 2007,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** variances of three feet to the east side setback and 10 feet to the corner side setback and a coverage variance of 317 square feet to permit a one-story addition (22 by 16 feet). *The approval is subject to the condition that no other new development is allowed.*


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further Section 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within eighteen months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

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

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

APPLICANT: Sheila Byrd-Hill
Leona Thomas

ASSESSMENT DISTRICT: Fifth

CASE NUMBER: 2007-0252-V

COUNCILMANIC DISTRICT: First

HEARING DATE: September 20, 2007

PREPARED BY: Patricia A. Cotter
Planner

REQUEST

The applicants are requesting a variance to allow a dwelling addition with less setbacks than required.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 3,900 square feet. It is located on the south side of Belle Grove Road, approximately 130 feet east of Gibbons Avenue. It is identified as Lot 361 in the subdivision of Patapsco Park. The property is shown as Parcel 254 in Block 23 on Tax Map 01.

The property has been zoned R5-Residential since the adoption of the Brooklyn Park Small Area Plan zoning maps effective December 25, 2005.

APPLICANT'S PROPOSAL

The applicants are proposing to add a two-story addition to an existing single-family dwelling. The addition is proposed with less side yard and side street setbacks than required.

REQUESTED VARIANCE

Section 18-4-701 of the Anne Arundel County Zoning Ordinance states that a principal structure in a R5-Residential district shall have a minimum side yard setback of seven feet and a corner side lot line setback of twenty feet. The proposed addition is shown to be approximately four feet from the interior side lot line and approximately ten feet from the corner side lot line. As such, variances of three feet to the seven-foot setback and ten feet to the side street setback are required.

FINDINGS

This Office would note that the subject lot is nonconforming with respect to both the minimum lot size (7,000 square feet) and lot width (60 feet) requirements for a lot in an R5-Residential district. The property is improved with a 25' x 45' dwelling that is also nonconforming with respect to the front, side and corner side lot line building setback requirements for an R5-Residential district. It should be further noted on the site plan that there is a 20' x 20' detached

garage in the rear corner of the lot. The 2005 County aerial photographs indicate that the garage does not meet the side and rear yard setbacks for an accessory structure in an R5-Residential district. The applicant is proposing a two story addition that measures 20'L x 16'W on the first floor and 10'L x 16'W on the second floor. **It should be noted for the record that the site plan submitted by the applicants was not drawn to scale. The variances requested in this case are based upon the information found in the letter of explanation that was provided with the variance application.**

The proposed addition will maintain the existing easternmost side yard setback of approximately four feet but will be further from the side street than the existing dwelling. The applicant has noted that the existing dwelling is two feet from Gibbons Avenue, whereas, the proposed addition will be approximately ten feet from the side street.

This Office must point out that the R5-Residential district allows a maximum coverage of all structures not to exceed 40% of the lot area. In this case 40% of the 3,900 square foot lot allows 1,560 square feet of building coverage. The existing improvements (based upon the information provided by the applicants) equal 1,525 square feet. The additional 320 square feet of coverage proposed by the two-story addition would equal 1,845 square feet (approximately 47%) and would exceed the 40% permitted for an R5-Residential district. A variance to exceed the building coverage requirements is required but has not been applied for in this instance.

While it is appropriate to concede that the development of this lot is constrained by both its size and the additional setbacks required from the side street, the proposed improvements appear excessive. This Office cannot support the applicants' proposal. The proposed addition will increase the coverage to 47% of the lot and will result in a dwelling measuring 65' in length along the side property line. This is exactly one-half the length of the lot. The lot is currently developed and the applicant is enjoying the reasonable use of the property.

The Anne Arundel County Soil Conservation District deferred their review to the Office of Planning and Zoning. They did note that an approved grading and sediment control plan may be required prior to any construction on the site.

RECOMMENDATION

Based upon the standards set forth in Article 18-16-305 under which a variance may be granted, this Office would recommend that the applicants' variance requests be **denied**.

This recommendation does not confirm the legal status of a lot. The legality of a lot is determined through the building permit process.

Patricia A. Cotter

Patricia A. Cotter
Planner III

9-11-07

Date

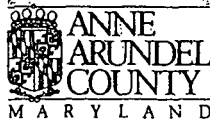
Suzanne Schappert

Suzanne Schappert
Planning Administrator

9.11.07

Date

CASE #2007-0262-V
FEE PAID 210
DATE 7/23/07



ZONE _____ ALEX _____
200 MAP _____ 1000 MAP _____
CRITICAL AREA:
IDA _____ LDA _____ RCA _____

VARIANCE APPLICATION

Applicant: Sheila Byrd-Hill & Leona James
(All persons having 10% or more interest in property)

Property Address: 5825 Belle Grove Rd

Property Location: 30' feet of frontage on the (n, s, e, w) side of Belle Grove Rd street, road, lane, etc.; 130' feet (n, s, e, w) of Gibbons Ave. street, road, lane, etc. (nearest intersecting street).

Tax Account Number 0562407799400 Tax District 5 Council District _____

Waterfront Lot N/A Corner Lot X Deed Title Reference BK 14847 page 790

Zoning of Property R5 Lot # _____ Tax Map 1 Block 23 Parcel 254

Area (sq. ft. or acres) 3900 sq. ft. Subdivision Name 624 Patapsco Park

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.)

See Attached Letter of EXPLANATION

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Sheila Byrd-Hill
Applicant's Signature

Sheila Byrd-Hill
Print Name

5825 Belle Grove Rd
Street Number, Street, PO Box

BALTO Md 21225
City, State, Zip

410 598-0794
Home Phone

Work Phone

Sheila Byrd-Hill
Owner's Signature

Sheila Byrd-Hill
Print Name

Leona James
Street Number, Street, PO Box

5825 Belle Grove Rd
City, State, Zip

BALTO Md 21225
Home Phone

Work Phone

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

[Signature]
Signature

RECEIVED
7/23/07 AUG 3 2007
Date
Anne Arundel County
Administrative Hearings

Variance to allow a dwelling additions with less setbacks than reqd.

Scale 1" = 40' Site Plan

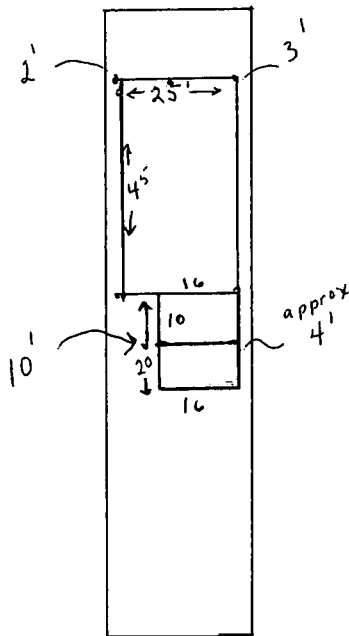
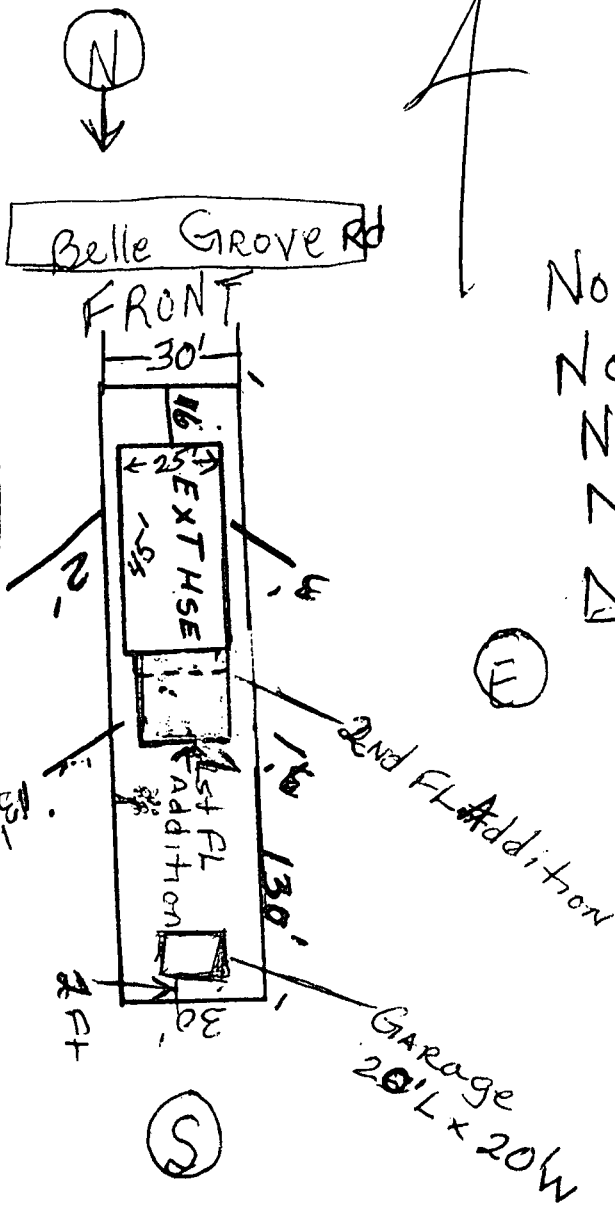
5825 Belle Grove Rd

7-13-07

Owners: LEONA JAMES &
SHEILA BYRD-HILL

(W)

Gibbon Ave



Exristing Property/Structure

No special drainage needed

No Easements

No Forested area

No High water Lines needed

Natural Features

corner Lot at a paved street intersection with side walk on both street side and front

Property on the east 1/2 AND south side of 5825

Fenced in Garden on Property 5' L x 10' W

Trees along Gibbon Ave side of Property inside the Fence

changed to a residential use.

The Zoning Ordinance, under Section 14-404, permits a nonconforming use to change as long as the change is a less intense land use permitted within the property's nonconforming classification and does not have a substantially different effect upon the neighborhood.

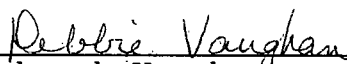
Therefore, it is the decision of the Department of Planning and Code Enforcement that the two story structure containing two dwelling units as described in paragraph five this Administrative Decision qualifies as a lawful nonconforming use.

A decision with respect to the conformance or nonconformance of existing signs located on the subject property is not a part of this Administrative Decision.


Pursuant to Article 28, Section 14-103, which requires the Department of Planning and Code Enforcement classify the overall nonconforming use of a property according to the zoning district in which that use would be permitted, it is the decision of this Office, for reasons previously cited, that the nonconforming use of the subject property is hereby classified as a R5 Residential type nonconforming use which would require special exception approval under the current code.

This Administrative Decision shall be binding unless appealed to the County Board of Appeals within thirty (30) days, as provided by Article 3, Section 1-103 (Appendix B, Rules of the Board of Appeals, Rule 5) of the Anne Arundel County Code (1985).

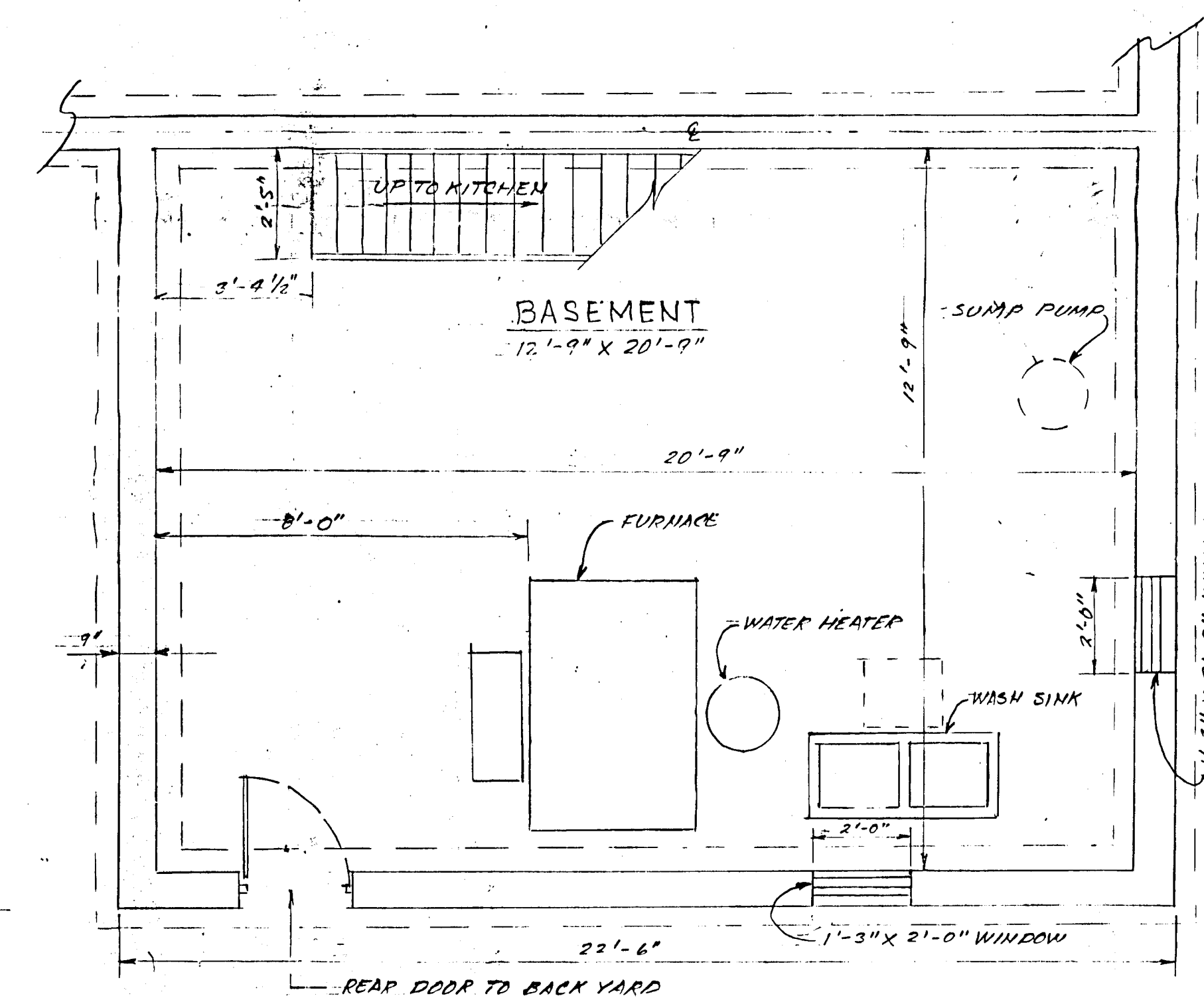
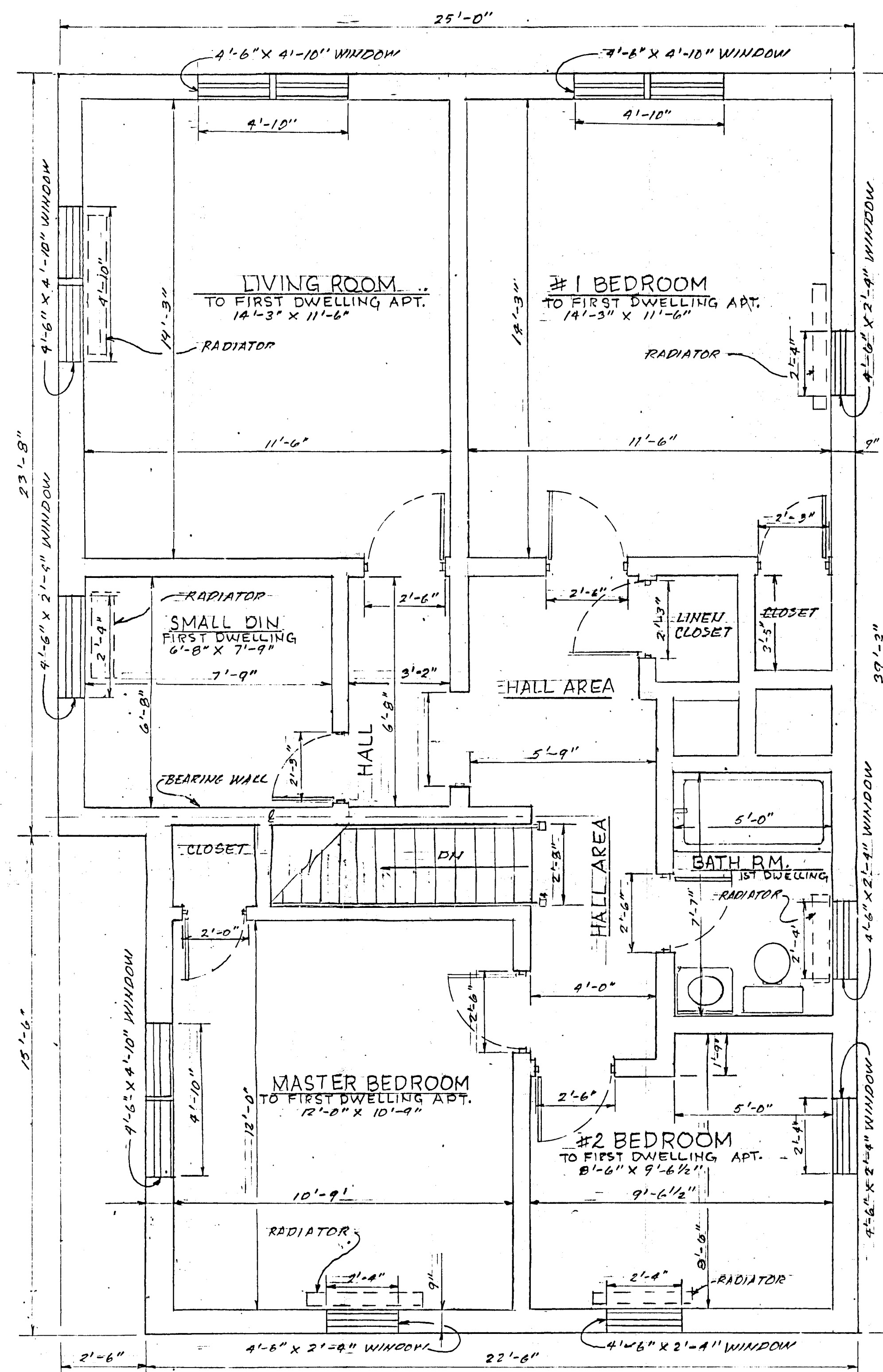
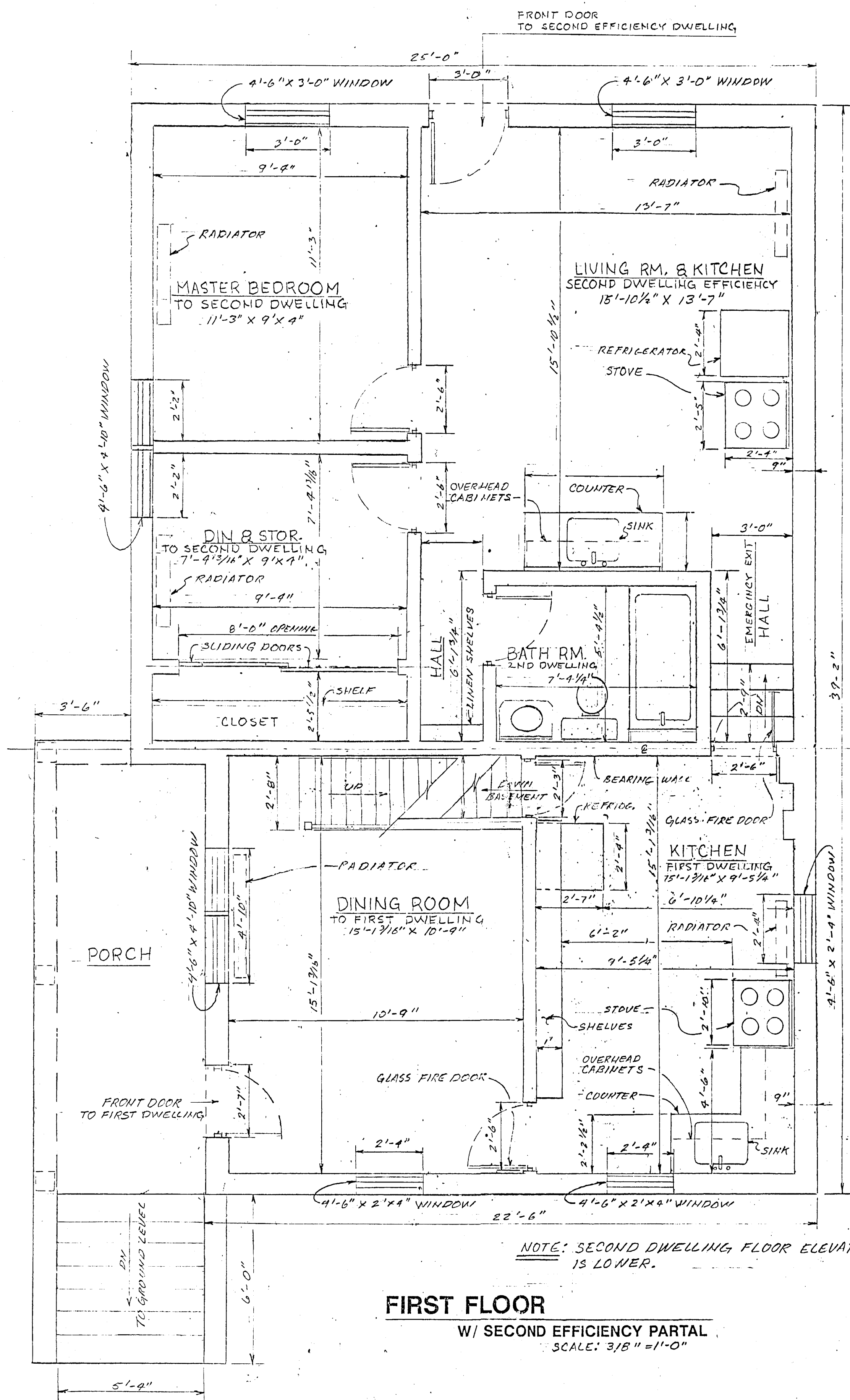
All uses of the subject site not specifically permitted by this decision must conform to the Zoning Regulations of Anne Arundel County for a R5 Residential District.


Deborah Vaughan
Planning Technician

2/14/96
Date


Steven R. Cover, AICP
Director, Planning & Code Enforcement

2.14.96
Date

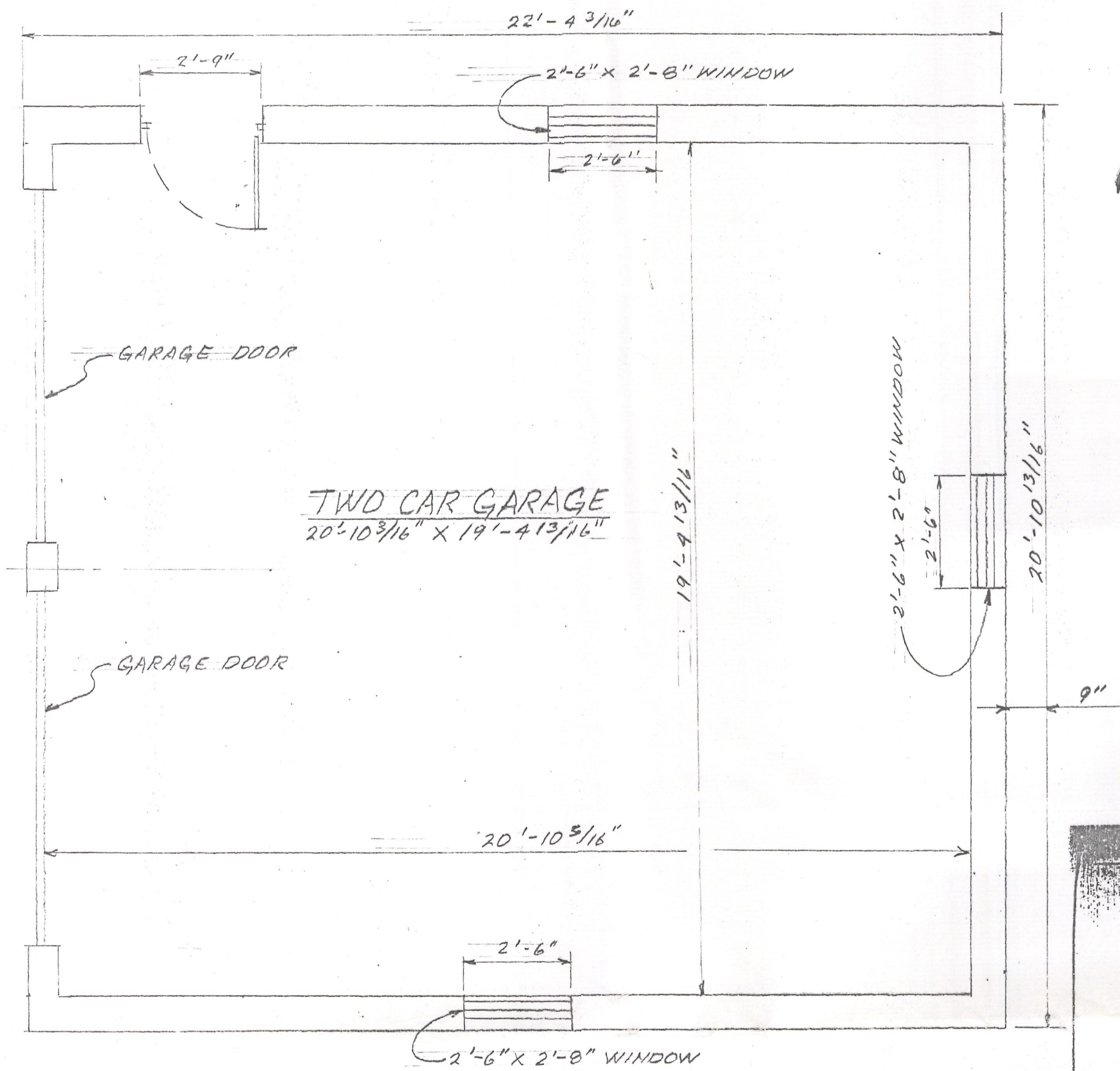


GENERAL INFORMATION

- SQUARE FOOTAGE FOR 1st DWELLING
 - A. FIRST FLOOR: = 304.81 sq.ft.
 - B. SECOND FLOOR = 713.68 sq.ft.
 - TOTAL: = 1,018.49 sq.ft.
- SQUARE FOOTAGE FOR 2nd DWELLING
 - A. FIRST FLOOR FRONT LOWER LEVEL = 669.63 sq.ft.
 - TOTAL: = 669.63 sq.ft.
- SQUARE FOOTAGE FOR THE BASEMENT = 267.56 sq.ft.
- SQUARE FOOTAGE FOR THE GARAGE = 404.49 sq.ft.
- TOTAL HEIGHT OF HOUSE = 30.3'
- TOTAL HEIGHT OF GARAGE = 17.2'

PROPERTY OF: MS. LEONA JAMES
5825 BELLE GROVE
ANNA ARUNAL, COUNTY, MD.

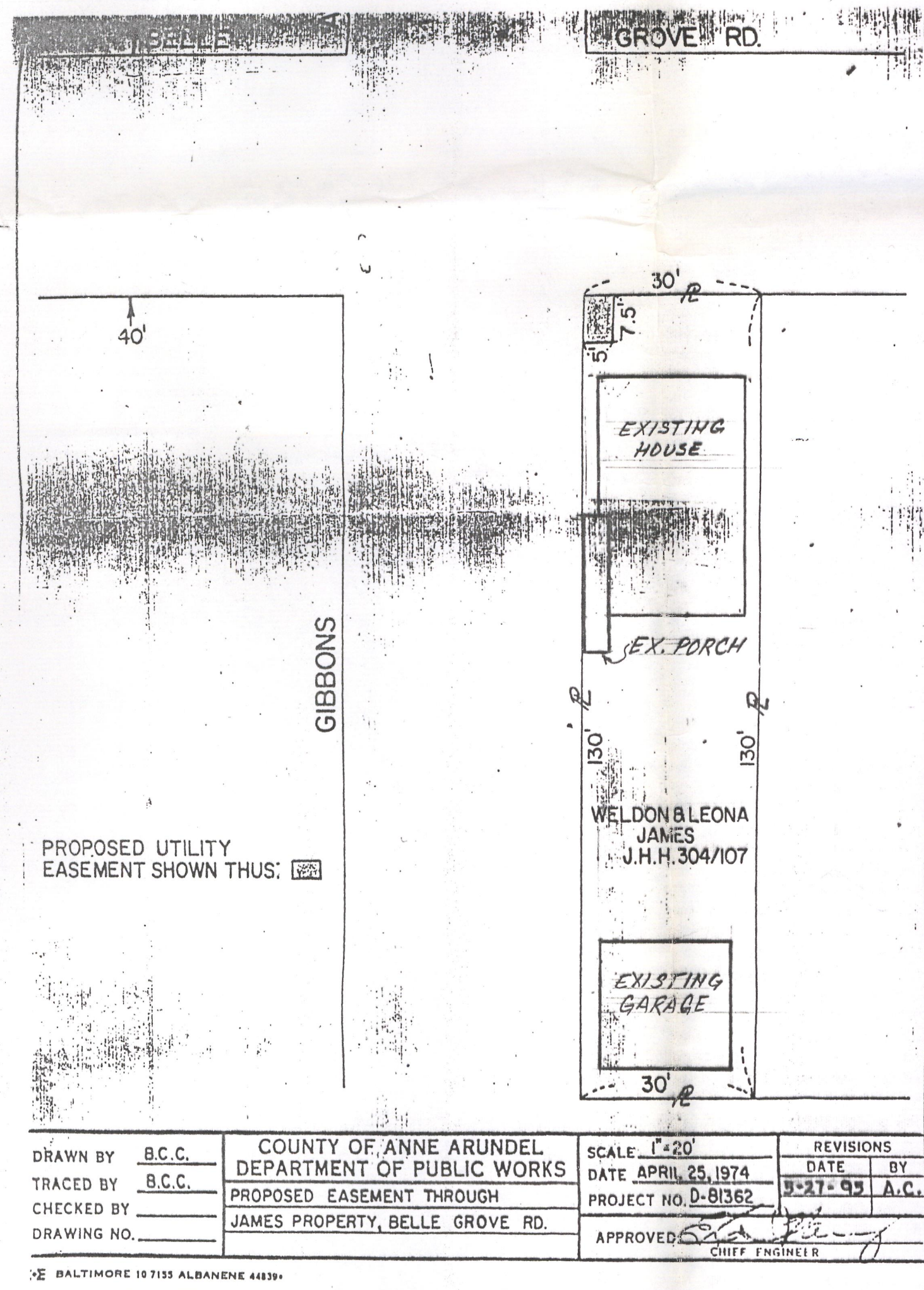
<div>DESIGNED</div> <div>DRAWN <i>A. CARTER</i></div> <div>CHECKED</div> <div>APPROVED</div>		REVISION NO.	REVISION DATE	DESCRIPTION		PROJECT TITLE TWO DWELLING HOUSE		PROJECT NO.
						SHEET TITLE EXISTING FLOOR PLANS	SHEET NO. <i>1 OF 2</i>	
							SCALE <i>AS SHOWN</i>	DATE <i>5-21-95</i>



TWO CAR GARAGE
20'-10 3/16" X 19'-4 13/16"

GARAGE
SCALE: 3/8" = 1'-0"

PROPERTY OF: MS. LEONA JAMES
5825 BELLE GROVE RD.
ANNE ARUNDEL COUNTY, MD.



DESIGNED BY	B.C.C.	COUNTY OF ANNE ARUNDEL	SCALE: 1" = 20'	REVISIONS
TRACED BY	B.C.C.	DEPARTMENT OF PUBLIC WORKS	DATE: APRIL 25, 1974	DATE BY
CHECKED BY		PROPOSED EASEMENT THROUGH	PROJECT NO. D-81362	5-27-95 A.C.
DRAWING NO.		JAMES PROPERTY, BELLE GROVE RD.	APPROVED: [Signature]	CHIEF ENGINEER

BALTIMORE 107155 ALBANY 44339

PLAT NO. B-11 BOOK NO. 12 FOLIO 10 SPEED 22

DATAPSCO PARK

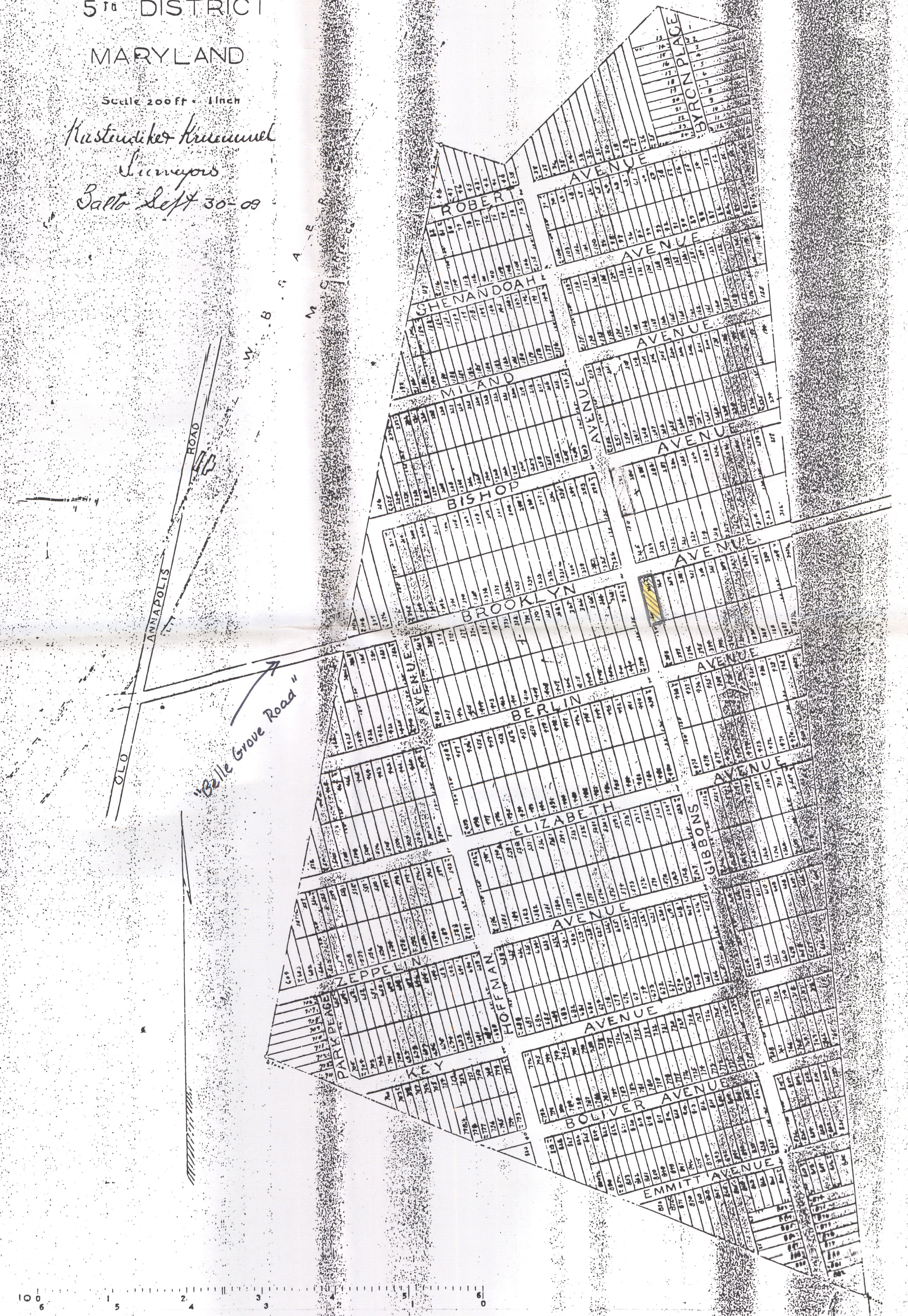
ANNE ARUNDEL COUNTY

5th DISTRICT

MARYLAND

Scale 200 ft. = 1 inch

Handwritten: Hasting & Krummel
Surveyors
Baltimore Sept 30-08



DESIGNED	REVISION NO.	REVISION DATE	DESCRIPTION
DRAWN A. CARTER			
CHECKED			
APPROVED			

PROJECT TITLE

TWO DWELLING HOUSE

PROJECT NO.

SHEET TITLE

GARAGE FLOOR PLAN, PROPERTY & COMMUNITY PLATS

SHEET NO.

2 OF 2

SCALE AS SHOWN

DATE 5-27-95