

AA 35-99 Meyer, Jonathan
VAR 99-0004

MSA-S1829-11

LC letter
1-27-99

NIF

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0004-V

IN RE: JANICE AND GARY RIDDELL

RECEIVED

SECOND ASSESSMENT DISTRICT

MAR 1 1999

DATE HEARD: FEBRUARY 22, 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: SUZANNE SCHAPPERT

DATE FILED: FEBRUARY 26, 1999

PLEADINGS

Janice and Gary Riddell, the applicants, seek a variance (1999-0004-V) to permit an accessory structure with fewer setbacks than required on property located along the west side of Bay Drive, northeast of Lawrence Avenue, Annapolis.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Jonathan Meyer testified that the property was posted for 14 days prior to the hearing.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence located at 119 Bay Drive in the subdivision of Bay Ridge, Annapolis. The property comprises 15,528 square feet and is zoned R-2 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The applicants seek to construct a detached garage (16' X 22') in the rear yard within five feet of the north side property line.

The Anne Arundel County Code, Article 28, Section 2-406 requires accessory structure to maintain at least 10 feet from a side or rear property line. Accordingly, the proposal necessitates a variance of five feet.

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is below the standards for the district

with respect to area and width. The property is very long and narrows toward the rear. She indicated that the five-foot setback would be sufficient for drainage and maintenance. In the circumstances, she supported the application.

Mr. Meyer, the applicants' builder, testified that the proposed structure is a one-car garage with a 20-foot height to the peak of the roof. The second level will serve as storage with access by an inside staircase.

Beverley Jack, a representative of the Bay Ridge Civic Association, testified that the association is generally opposed to variances except in cases of dire need. She acknowledged that there is a cluster of garages to the rear of the pie-shaped lots along Bay Drive. The older garages are relatively compact but there is also a large two-story, accessory structure immediately adjacent to the Riddell property.

I visited the site and the neighborhood. The site is much wider along Bay Drive than it is along Barry Avenue. There is an existing asphalt driveway from Bay Drive all the way to the end of the dwelling. There is also what appears to be an abandoned driveway from Barry Avenue to the asphalt driveway. The properties to either side include accessory structures in their rear yards; one is modest in size, and the other is quite substantial.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. This case satisfies the test of unique physical conditions, consisting of a pie-shaped lot that is below the standards for the district with respect to area and width. There is no reasonable possibility of developing the lot with a garage in strict conformance with the code. I further find

that the variance is the minimum necessary to afford relief. The applicants are proposing a relatively modest structure and are leaving sufficient area to the side for maintenance and drainage. Given the cluster of garages at this location, I find that the granting of the variance will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare. The approval shall be subject to the conditions in the Order.

ORDER

PURSUANT to the application of Janice and Gary Riddell, petitioning for a variance to permit an accessory structure with less setbacks than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 26th day of February, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants' request for a variance of five feet to the required 10-foot north side property line to construct a detached garage measuring 16' X 22' is hereby **granted** subject to the following conditions:

1. The accessory structure shall not exceed an overall height of 20 feet.
2. The accessory structure shall not be served with utilities other than electric.
3. The accessory structure shall not be inhabited or eligible for conversion to

habitable living space.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) 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 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

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



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 27, 1999

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0004-V, Jonathan Meyer

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

According to the information provided, the proposed detached garage will not require any clearing or grading. Since no Habitat Protection Areas will be disturbed and impervious surfaces are not an issue, this office does not object to the requested variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA35-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



DATE: 01/07/1999
TIME: 11:46:49

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

AA35-99

APPLICATION TYPE	VARIANCE								
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT		TYPE	
1999-0004-V	2047-1221-2200	57	10	0030	4	15528.0		R	
APPLICANT NAME	MEYER, JONATHAN D.					APPLICATION DATE		01/07/1998	
CLASS RESACS	STANDARD	SETBKS	TYPE	DGAR		APPLICATION FEE		0.00	
ANALYST RMG	STATUS	OPEN	DECISION			COURT		APPEAL	
OWNER NAME/ADDRESS/PHONE						PROPERTY DESCRIPTION			
RIDDELL, GARY D						IMPSLT 4 SC 5			
54 HENDRIE AVE						119 BAY DR			
						BAY RIDGE			
RIVERSIDE	CT 06878	TELEPHONE		410-956-4565					
PROPERTY LOCATION	103 FEET OF	FRONTAGE ON W		SIDE OF BAY DRIVE					
	700 FEET NE	OF LAWRENCE AVENUE		IN BAY RIDGE					
TAX DIST	2	COUNCIL DIST	6	ZONING	R2				
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA:	IDA N LDA Y RCA N				
MAPS:	200	ALEX		DEED:	LIBER 5807 FOLIO 729				

DATE: 01/11/1999
TIME: 10:33:01

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM

PROGRAM ID: PNZ021C
SCREEN ID: PNZMS21

UPDATE DESCRIPTION AND RECOMMENDATION DATA

CASE NUMBER	1999-0004-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	A VARIANCE TO PERMIT AN ACCESSTORY STRUCTURE WITH LESS SETBACKS THAN REQUIRED.		

RECOMMENDATIONS

RECEIVED

JAN 14 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 CALVERT STREET, 2ND FLOOR
ANNAPOLIS, MD 21401

AA 35-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: AA CO. Date: _____

Name of Project (site name, subdivision name, or other): Gary & Janice Riddell

Local case number: 1999-0004-✓ Jonathan Meyer

Project location/Address: 119 Bay Drive Annapolis Md 21403

Tax map# 57 Block# 10 Lot# 4 Parcel# 30

Type of application:
(Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
Buffer Slope
Imp. Surf. Other
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION

Type of Project:
(Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS _____
c.g. PUD

Current Use:
(Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/ WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT FACILITY/PIER/MARINA

Describe Proposed use of project site: 16' x 22' Detached Garage
w/ less s/b

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: _____	AREA DISTURBED: <u>352 #</u>
IDA ACRES _____	# LOTS CREATED: _____
LDA ACRES <u>15,528 #</u>	# DWELLING UNITS: _____
RCA ACRES _____	
AGRICULTURAL LAND: _____	
EXISTING FOREST/WOODLAND/TREES: <u>800 #</u>	FOREST/WOODLAND/TREES REMOVED: <u>0</u>
FOREST/WOODLAND/TREES CREATED: <u>0</u>	
EXISTING IMPERVIOUS SURFACE: <u>4574 #</u>	PROPOSED IMPERVIOUS SURFACE: <u>198 #</u>
TOTAL IMPERVIOUS SURFACE: <u>4772 #</u>	
GROWTH ALLOCATION DEDUCTED: _____	
RCA to LDA: _____	RCA to IDA: _____
	LDA to IDA: _____

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____

Hearing Date: 2/22 @ 9:45 a.m.

Letter of Explanation
For 119 Bay Drive

The applicants and owners of the property known as 119 Bay Drive wish to build a 16 x 22 feet garage on the property, both for vehicle parking and for storage space. The applicants wish to place it 5 feet from the side lot line in an R-2 district. There is no place on the property which would allow a detached garage to be built within the County Zoning and Health Ordinances.

The lot is a narrow irregular pie shape with the back lot line being 16' wide, more or less. In addition, the well is 38' from the rear of the house which precludes building adjacent to the rear of the house. Having no hope of fitting in a 24' x 24' two car garage necessary for storage, the owner has reduced the size to a 16' x 22' single car garage with a storage attic.

This matches the existing character of the neighborhood of Bay Ridge and the adjacent properties, does not impair the use of adjacent properties, reduce the forest cover, affect water quality, impact fish, wildlife or plant habitat, or in other ways be detrimental to the public welfare. Permitting this use would allow the owners the same rights commonly enjoyed by other properties in Bay Ridge included both adjacent properties.

NARRATIVE STATEMENT

119 Bay Drive

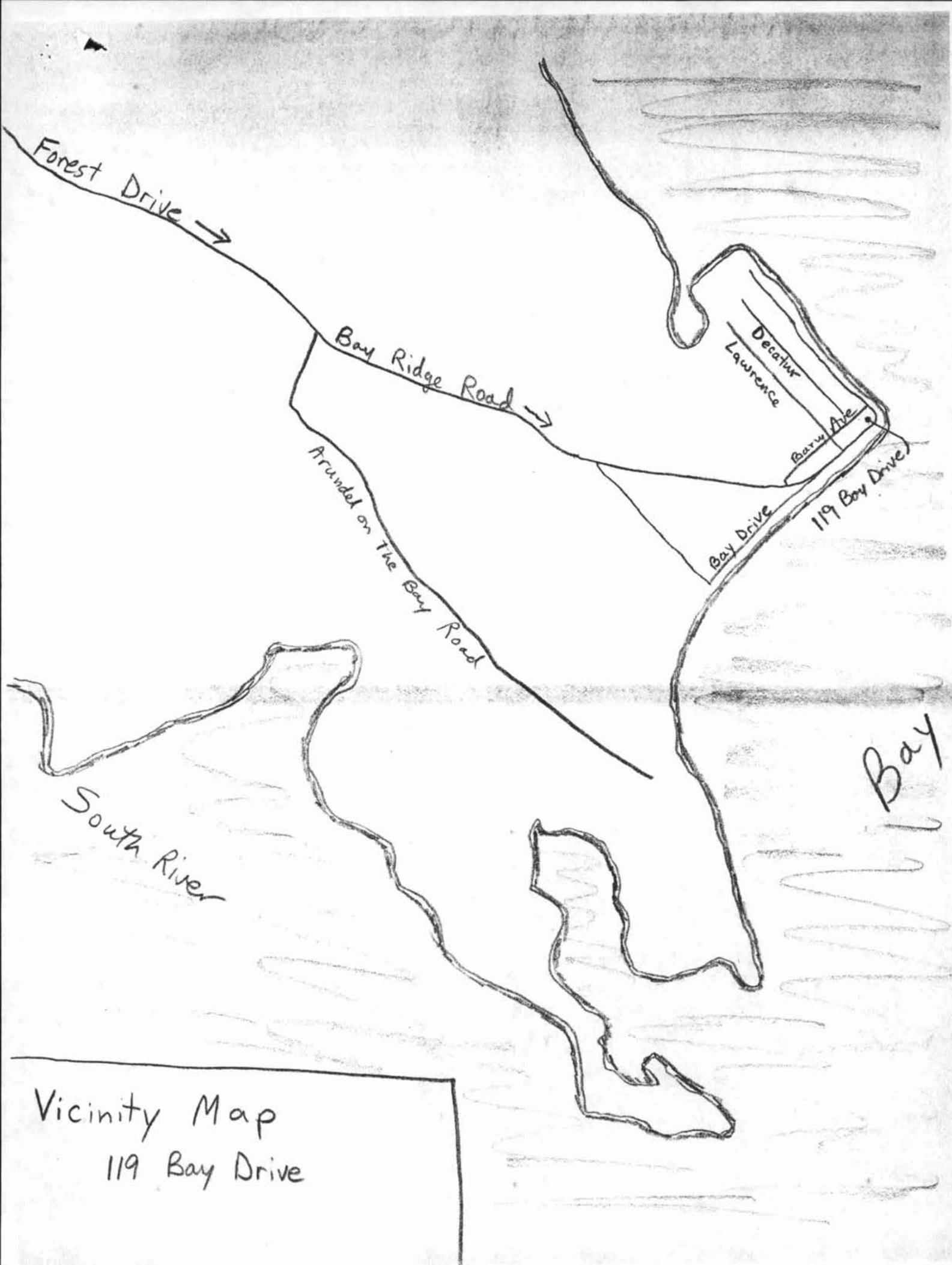
The parcel is largely covered with lawn with some shrubs such as hydrangea.

Rainwater runoff from the house is controlled through gutters and down spouts and is delivered onto the lawn. Runoff from the drive way flows onto the grass and also onto the street. The proposed garage will have gutters and down spouts flowing onto the lawn.

The impact on water quality will be minimized by erecting silt fence during construction on both sides and the downhill slope per county specifications. All disturbed areas will be seeded.

Wooded square footage is approximately 800 square feet of trees, shrubs, and plantings. We expect to disturb 480 square feet of lawn and driveway, (but no trees or shrubs) out of the 15,528 square feet of the lot. Current impervious coverage is 4,574 square feet and proposed impervious coverage is 4,772 square feet.

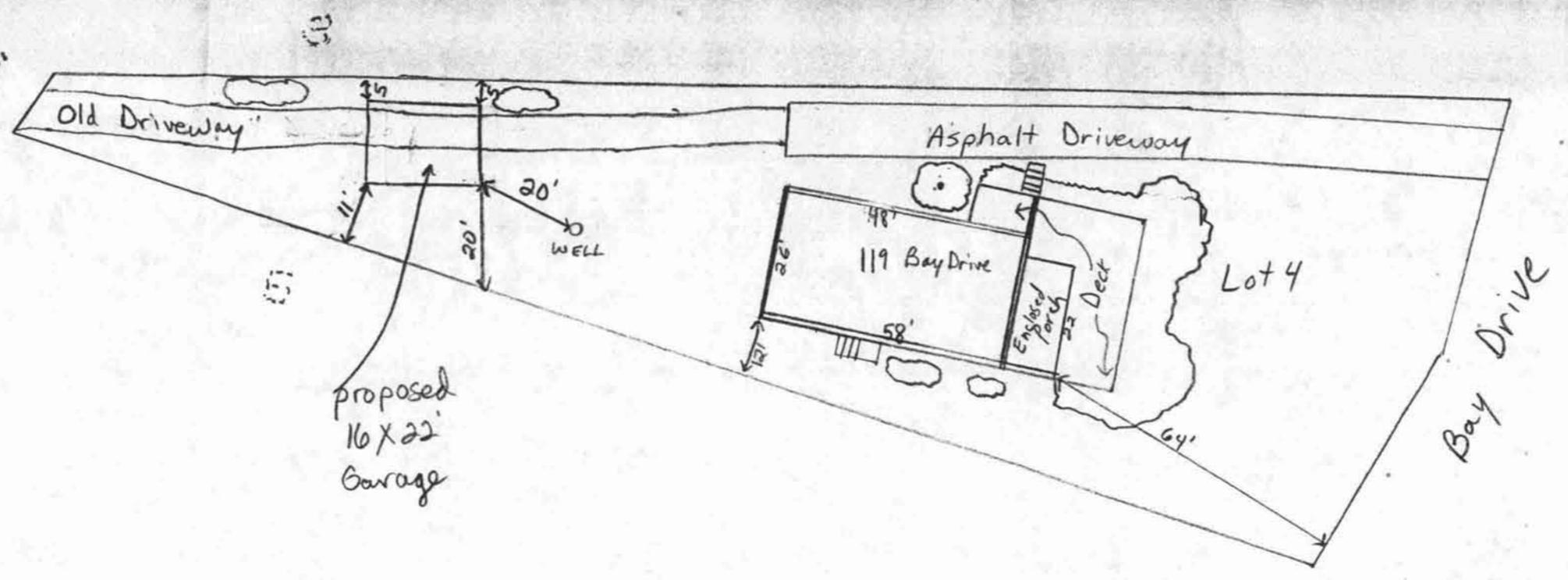
There are no habitat protection areas to our knowledge.



Vicinity Map
119 Bay Drive

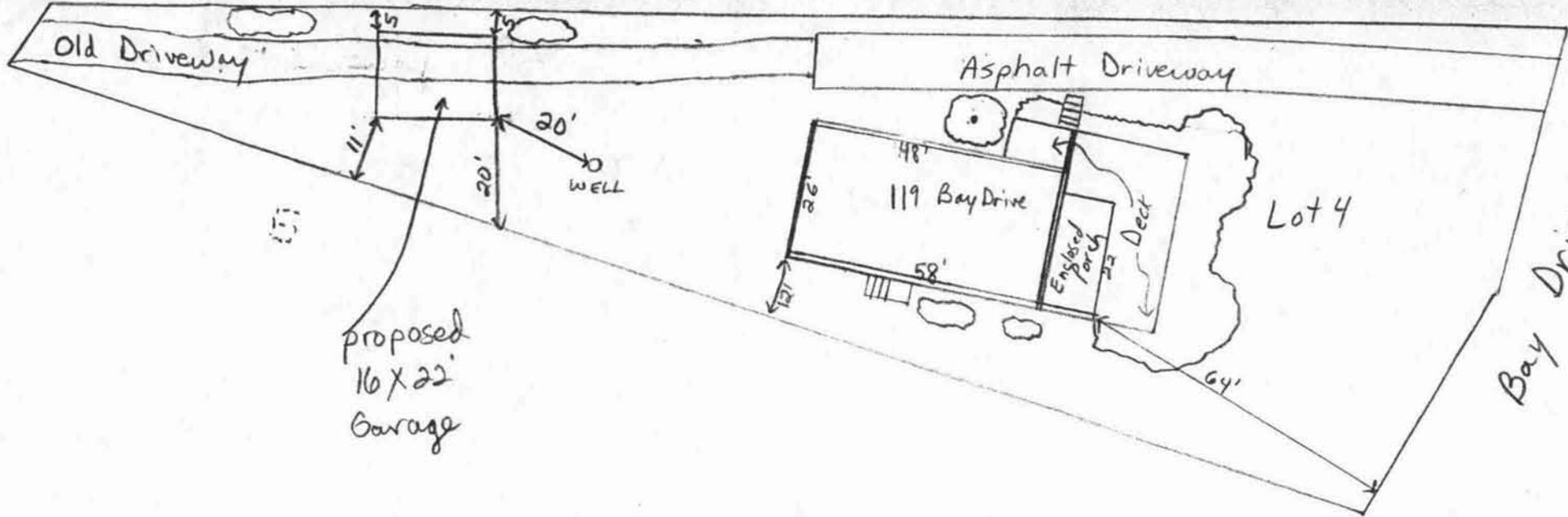


Barry Ave.



Site Plan
119 Bay Drive
Bay Ridge
scale 1" = 30'

Barry Ave.



proposed
16x22
Garage

Site Plan
 119 Bay Drive
 Bay Ridge
 scale 1" = 30'

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JAN 13 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

