

AA 104-99
VAR

Giordano, Gary
99-0077

MSA_S1829-42

CH
BC
3/5/99

length. In this case, the side setback increases from 15 feet to 17 feet.

Accordingly, the proposal necessitates variances as follows:

1. A variance of nine feet to the west side setback;
2. A variance of seven to the east side setback;
3. A variance of 22 feet to the combined side yard width.

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that the lot is long and narrow and below the standards for the R-1 district with respect to area and width. The existing dwelling is nonconforming to the side setbacks. The proposed addition will extend the lines of the existing dwelling with no further encroachment into the setbacks. In the circumstances, she supported the application.

Mr. Giordano testified that the applicants seek to expand the dwelling while satisfying the conditions imposed by the Health Department with respect to the septic system. He indicated that there has been no opposition from surrounding neighbors. He further stated that other dwellings are located at the same approximate distance from the water with similar setbacks. There was no opposition to the request.

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 conditions, consisting of a lot that is below the standards for the district with respect to area and width. In the circumstance, there is no reasonable possibility of developing the lot in strict conformance with the code. I further find that the

applicants have minimized the variance. This proposal will maintain the same side building lines as the existing dwelling. There is nothing to suggest that the granting of the variance 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. Rather, the uncontradicted testimony indicated that there are other improvements within the neighborhood with similar setbacks to their side property lines.

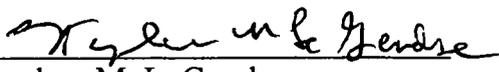
ORDER

PURSUANT to the application of Gary and Susan Giordano, petitioning for a variance to permit an addition 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 19th day of April, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** the following variances:

1. A variance of nine feet to the required 17-foot west side setback;
2. A variance of seven to the required 17-foot east side setback;
3. A variance of 22 feet to the required 40-foot combined side yard width.


Stephen M. LeGenre
Administrative Hearing Officer

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

March 15, 1999

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

Re: Gary Giordano
1999-0077-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. We have no comment regarding the setback issue. Mitigation according to the Buffer Exemption Area Policy (BEA) should be performed since this proposal meets the BEA provisions in the County's Program.

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

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 104-99

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



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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: _____ Date: 2-1-99

Name of Project (site name, subdivision name, or other): Ventnor ("Giordano")

Local case number: 1999-0077-V Gary Giordano

Project location/Address: 8094 Main Creek Dr. Pasadena, Md. 21122

Tax map# 18

Block# 22

Lot# 162

Parcel# 80

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 _____
e.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: garage/utility room
master bedroom less site

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: _____

IDA ACRES _____

LDA ACRES 10,000 ±

RCA ACRES _____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: _____ FOREST/WOODLAND/TREES REMOVED: _____

FOREST/WOODLAND/TREES CREATED: _____

EXISTING IMPERVIOUS SURFACE: _____ PROPOSED IMPERVIOUS SURFACE: _____

TOTAL IMPERVIOUS SURFACE: _____

GROWTH ALLOCATION DEDUCTED: _____

RCA to LDA: _____ RCA to IDA: _____ LDA to IDA: _____

RBA

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____ Hearing Date: _____

Gary and Susan Giordano
8094 Main Creek Drive
Pasadena, Md. 21122

February 8, 1999

Permit Application Center
Anne Arundel County
Annapolis, Maryland 21404

To Whom it may concern:

Our house is currently 24.5 feet wide, 49.4 feet long and zoned R1. We would like to extend the length of our house to 61 feet 9 inches. In keeping with the width of our existing house, we would like our addition to be 24.5 feet wide. Also, this addition will be two stories high.

We understand that since the addition would be closer than 15 feet to our property line and longer than 50 feet, we will need a variance.

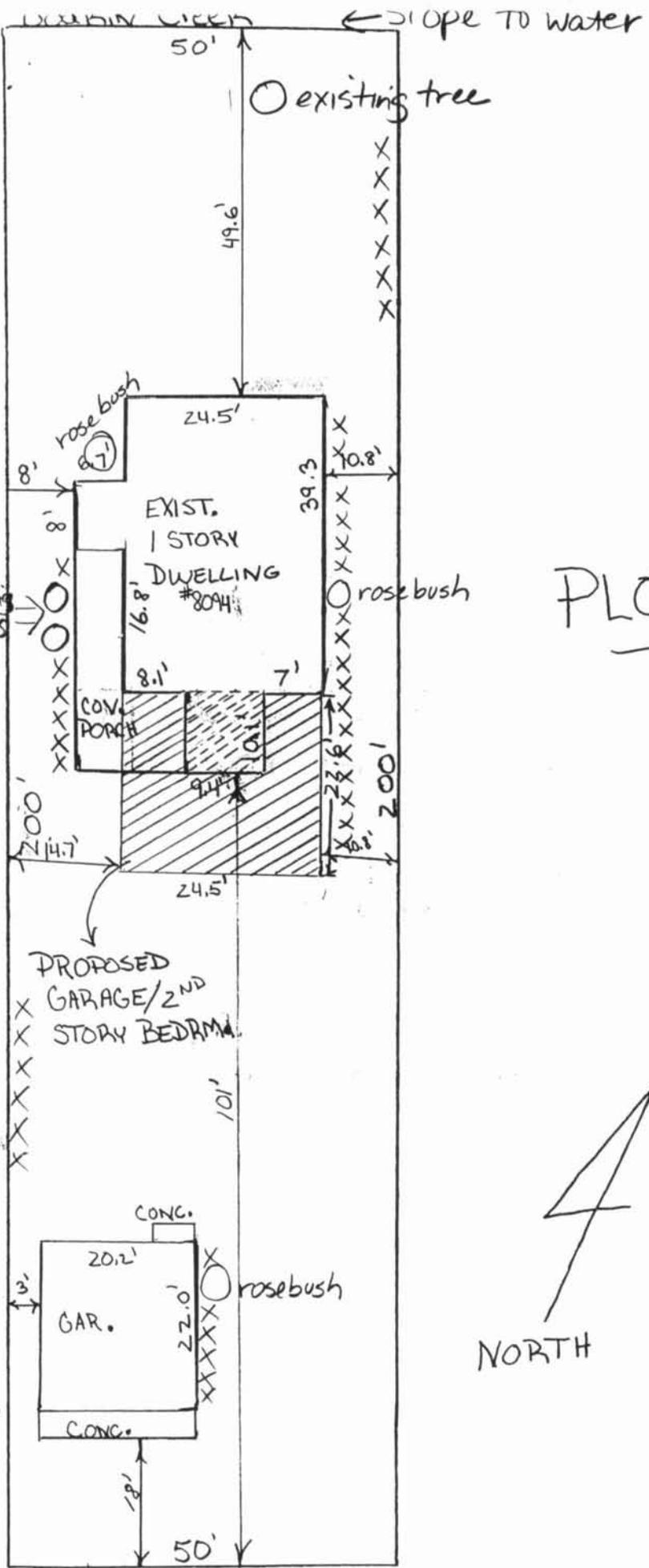
Therefore, we ask that you review our request and grant us a variance.

Thank you for your consideration.

Sincerely,

Gary F. Giordano

Susan S Giordano



PLOT PLAN

XXXXX proposed planting



SCALE: 1" = 20'