

CH
NVC
3/19/99

MSA-S1829-54

AA 132-99
VAR

Green/Klose
99-0091

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is long and narrow and below the standards for the R-2 district with respect to area and width. She indicated that there are other nonconforming structures in the community. This property was previously improved with a detached garage at the same approximate location, but even closer to the property line. The witness indicated that the three-foot setback would provide adequate space for maintenance and drainage within the property boundary. In the circumstances, she supported the request.

Mr. Green testified that the previous detached garage was in disrepair and was removed from the site a few years ago when he acquired the property. He further stated that the neighbors do not object to his proposal.

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 lot below the minimum standard for the district for area and width. The lot is also an unusual shape, wider at the street but narrowing toward the shoreline. In the circumstances, there is no reasonable possibility of developing the lot in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. This is not an overly large structure and the applicants have left sufficient area for maintenance and drainage. There was 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.

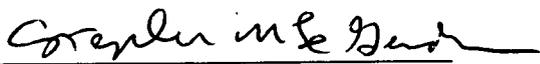
Rather, the evidence revealed that there are other nonconforming structures in the neighborhood; and additionally, that there was a detached garage at the same approximate location until very recently.

ORDER

PURSUANT to the application of Steven Green and Elizabeth Klose, petitioning for a variance to permit a dwelling 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 28th day of April, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants' request for a variance of four feet to the required 7-foot east side setback and a variance of seven feet to the combined 20-foot side yard width is hereby **granted** to permit a 22' X 24' garage addition.


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:

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 19, 1999

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

Re: Steven Green & Elizabeth Klose
1999-0091-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a garage that will require less setbacks. This office has no comment regarding the setback issue. Any necessary clearing associated with the construction, however should be mitigated at a minimum 1:1 ratio with native species.

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 132-99

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



(2)

Narrative Statement

386 Riverside Dr., Pasadena, MD 21122

1. The lot is 20-25% covered by locust, cherry and oak trees and shrubs.
2. The rain will be controlled by rain spouts.
3. To minimize the impact on water quality and sediment control, a layer of top soil will be put down around the structure with a gradual slope and will be planted with grass.
4. Approximately 2-3000 sq. feet of the 14,500 sq. foot lot is covered by trees and shrubs. None of these plants will be disturbed by the new garage. The existing impervious coverage is 2,045 sq. feet. The new coverage will be 2,070, well below the 25% limit.
5. There are no habitat protection areas that will be effected by construction.

RECEIVED

MAR 17 1999

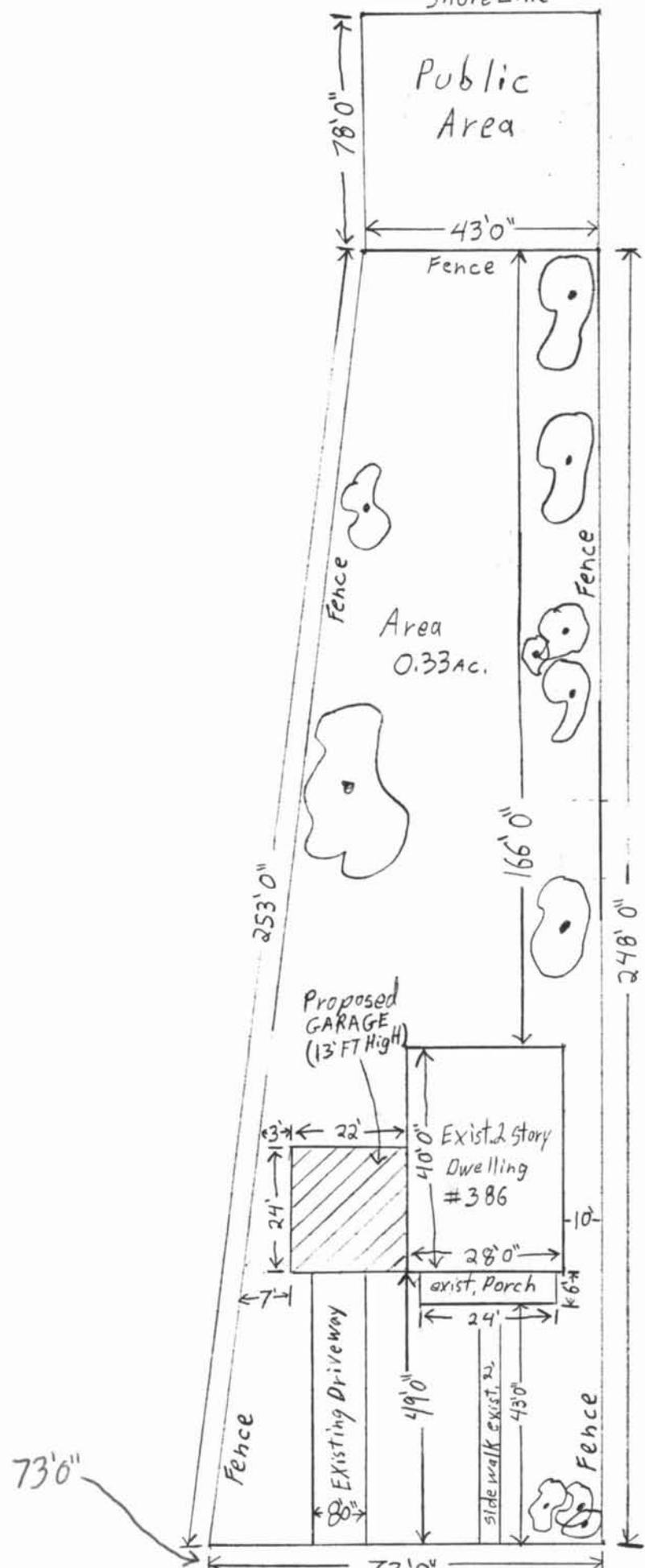
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Scale 1" = 30'

(VARIANCE)

(19) copys

Magothy River
shoreLine



RECEIVED

MAR 17 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION



Steven A. Green
386 Riverside Dr.
Pasadena MD 21122

CRITICAL AREA WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area 14500 s.f. 0.33 acre Square Feet (1 Acre = 43,560 Square Feet).

Total Wooded Area 3000 s.f. Square Feet - "Wooded" MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

- Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|--|--|
| 1. House _____ <u>0</u> Sq. Ft. | 5. Accessory structures _____ <u>0</u> Sq. Ft. |
| 2. Septic or sewer _____ <u>0</u> Sq. Ft. | 6. Additions _____ <u>0</u> Sq. Ft. |
| 3. Well _____ <u>0</u> Sq. Ft. | 7. Storm water management _____ <u>0</u> Sq. Ft. |
| 4. Driveway _____ <u>0</u> Sq. Ft. | 8. Other Clearing: work areas; access; stockpiles, etc. _____ <u>0</u> Sq. Ft. |
| *Total Woodland Removed _____ <u>0</u> Sq. Ft. | |

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVEL IS CONSIDERED AN IMPERVIOUS SURFACE.

- Please Indicate Square Footage of Impervious Coverage for the Following:

- | <u>Existing Impervious</u> | <u>Proposed Impervious</u> |
|---|--|
| 1. House (roof area) _____ <u>1120</u> Sq. Ft. | 1. House (roof area) _____ <u>1120</u> Sq. Ft. |
| 2. Driveway + sidewalks _____ <u>600</u> Sq. Ft. | 2. Driveway + sidewalks _____ <u>420</u> Sq. Ft. |
| 3. Accessory structures _____ <u>325</u> Sq. Ft. | 3. Accessory structures _____ <u>530</u> Sq. Ft. |
| | 4. Additions _____ <u>0</u> Sq. Ft. |
| Total Existing and Proposed Impervious Coverage _____ <u>2070</u> Sq. Ft. | |

* PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

Lots 1/2 acre or less are limited to 25% impervious coverage of total lot area.

Lots greater than 1/2 acre are limited to 15% impervious coverage of total lot area.

* * * *

I Steven A. Green, Elizabeth A. Klose, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 120, 121, pt 119 block # 15 of Subdivision Bayathy Beach.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

(Signature) _____ (Date)

(Title)

(Signature) _____ (Date)

(Title)