

AA 177-99 June Cook

VAR 1999-0129-V

MSA_51829-73

Peters LC
4-12-99

structure. Section 2-506(a) establishes a minimum side yard width of seven feet. However, Section 10-104(e)(11) increases the side yard setback by 1-foot for each 10 feet or fraction of 10 feet by which the length of the dwelling exceeds 50 feet. In this case, the side yard setback increases to 17 feet. Accordingly, the proposal necessitates a variance of 10 feet in the required shoreline buffer and a variance of 10 feet in the west side setback.

Kevin P. Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the identical application received conditional approval in Case No. V-391-94 (March 2, 1995). In the circumstances, he supported the request, subject to the same conditions.

Ms. Cook testified that the lot is surrounded by water on three sides. She has occupied the dwelling for 10 years. The house is very small. The previous approval lapsed. The witness indicated that the garage/workshop will not be use for any commercial purposes.

Upon review of the facts and circumstances, including the prior decision by this office, I find and conclude that it is appropriate to reissue the variance, subject to the same conditions.

ORDER

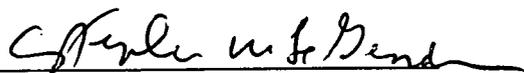
PURSUANT to the application of June S. Cook, petitioning for a variance to permit dwelling additions with less setbacks and buffer than allowed; and

PURSUANT to the advertising, posting of the property, and public hearing

and in accordance with the provisions of law, it is this 4th day of June, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a buffer variance of 10 feet and a variance of seven feet to the required 17-foot west side property line setback. The foregoing variances are subject to the following conditions:

1. Any trees removed for the construction shall be replaced on a 3:1 basis.
2. The site shall be planted on a 3:1 basis based on the new impervious area proposed. A planting plan shall be submitted and a bond posted prior to the issuance of any building or grading permit.
3. Stormwater management shall be addressed during the permit process.


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

April 12, 1999

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

RE: Variance 1999-0129-V, June Cook

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than allowed. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling.

This property was the subject of a similar variance request in 1994 (V-391-94). According to our files, the variance was granted by the Administrative Hearing Officer on March 2, 1995. It is not clear why the same request has been submitted again. The information provided is identical to the previous submittal.

As stated above, this lot is Buffer Exempt. However, because the proposed additions are closer to the water than the existing dwelling, a variance is necessary. Almost the entire lot is within the Buffer whereby little room is left outside of the Buffer to site the garage, deck and addition. Because the garage is only partially in the Buffer and the addition is of reasonable size, this office does not oppose this variance request. Impacts to the Buffer must be minimized and it appears that the size of the proposed deck could be reduced to lessen the intrusion in the Buffer. Mitigation should be provided for trees removed for the construction as well as all new impervious surfaces within the Buffer in accordance with the Anne Arundel County Buffer Exemption Policy.

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,


LeeAnne Chandler
Natural Resources Planner

cc: AA177-99

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



NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel County Date: ~~8-1-94~~ 9/19/99

Name of project (site name, subdivision name, or other):

1100 Magothy Circle Cape St. Claire

Name of applicant (landowner, developer, or other):

June S. Cook

Local case number _____

Project location:

Address or location description 1100 Magothy Circle
Cape St. Claire
Tax Map 40 Block 12 Lot 337 Parcel 28

Type of application (check one and describe, if necessary):

Site plan _____
Subdivision _____
Variance _____
Rezoning _____
Special Exception or Conditional Use _____
Proposed Use _____
Grading Permit _____
Other _____
Number of lots created _____
Type _____
Existing _____ Proposed _____

Description of project and site:

Proposed use Residential
Current use Residential

Acreage(s) of Development Area(s):

Total acreage of property ~~32,516 sq. ft.~~ 43,166
Total acreage in Critical Area ~~32,516 sq. ft.~~ 43,166
Acreage in: IDA _____
LDA _____
RCA _____

Local jurisdiction contact requirements:

Contact person _____
Telephone number _____

Response from Commission Required By _____

RECEIVED

APR 8 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Answers to the Chesapeake Critical Area Report are as follows:

1.) Variance is requested to construct a 2 story addition and a garage within the 100' buffer. closest point of addition is 65' from bulkhead. Closest point of garage is 80' from bulkhead. The existing dwelling sits within the 100' buffer.

2.) A vicinity map is shown on plan.

3.) a. There are several large trees and scrubs on site. Tree lines are shown on site plan. Buffer planting exist on the property. b. The lot is relatively flat and slopes toward the water c. Silt fencing will be provided to control sediment. Planting if necessary. d. Approximately 40% of the lot is wooded or canopy covered. There will be one ~~large~~ trees removed for construction. Removal of small scrubs and trees for the garage. A grading permit will be required by Anne Arundel County if variance is allowed. The total square footage of the lot is ~~43,166~~ ^{43,166} sq. ft.. Total impervious allowed is ~~4,686~~ ^{4,686} sq. ft.. Existing Impervious is 1,658 sq. ft.. Proposed impervious is ~~6,475~~ ^{6,475} sq. ft.. Total impervious after construction will be ~~4,686~~ ⁶³¹¹ sq. ft..

4.) Site plan is enclosed.

5.) Notification of Project Application is enclosed

If you have any questions, please contact me at ~~301 899-8777~~.

301 899-8777

~~Brenda Mullinix~~
~~Permit Services, Inc.~~

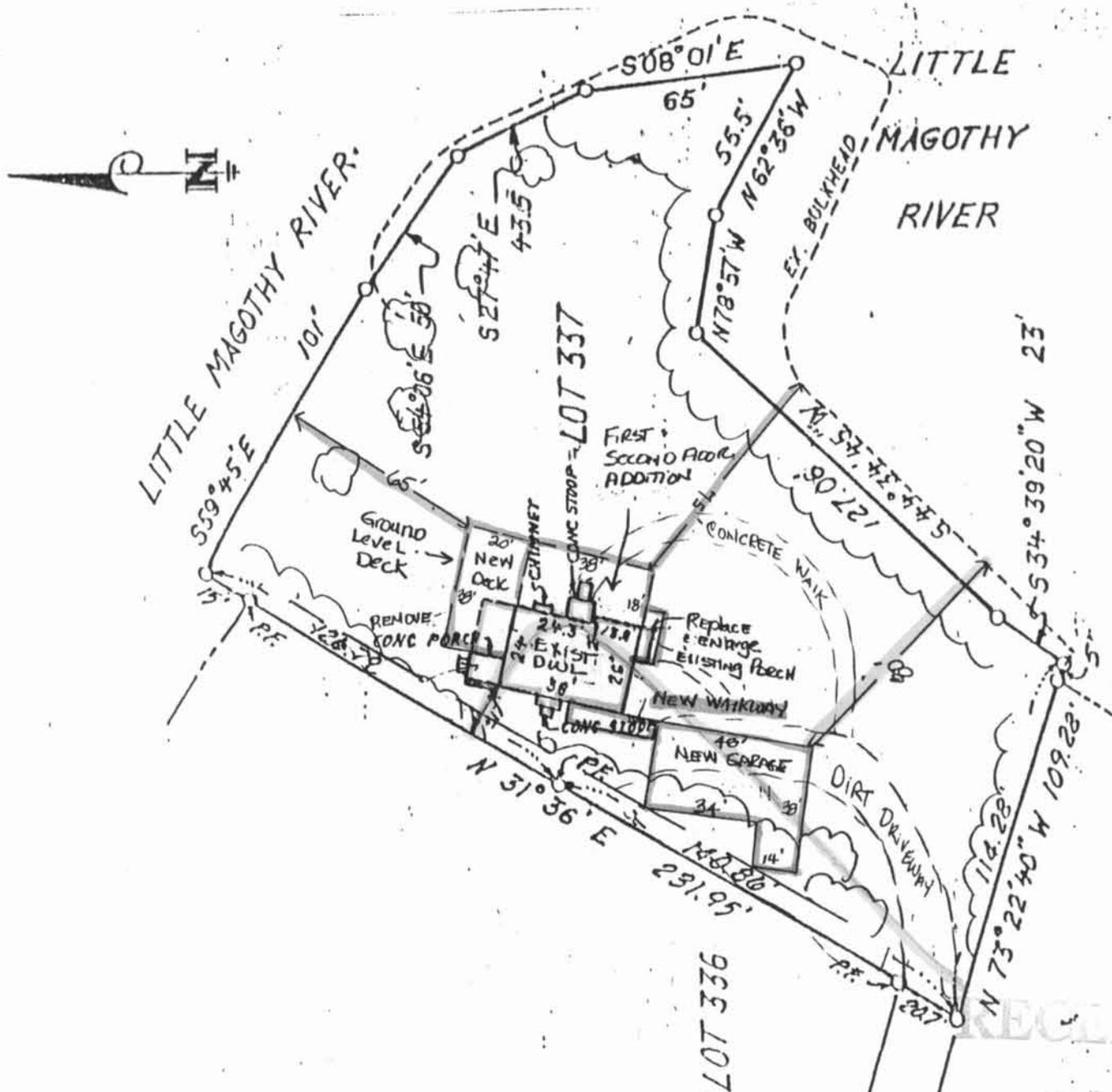
JUNE COOK

COOK PROPERTY

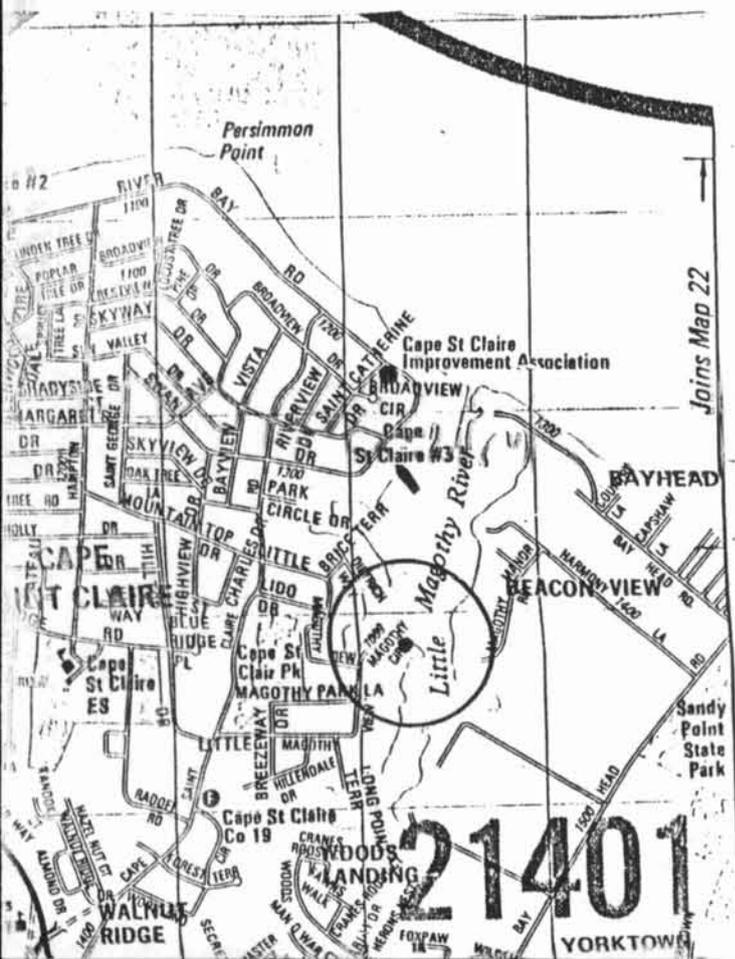
Total Lot Area:		43,166 sq.ft.
Allowable Impervious Area (15%):		6,475 sq.ft.
Existing Structure:	944 sq.ft.	
New House Addition:	842 sq.ft.	
New Deck:	592 sq.ft.	
New Front Porch:	144 sq.ft.	
New Covered Walkway:	246 sq.ft.	
New Two Car Garage/Attached Workshop:	1,512 sq.ft.	
Existing Gravel Drive:	1,740 sq.ft.	
New Additional Gravel Drive:	220 sq.ft.	
(2) Existing Concrete Steps (to remain)	54 sq.ft.	
" " " " "	17 sq.ft.	
Total Finished Impervious Area:		6,311 sq.ft.

Note: Existing brick patio (721 sq.ft.) and existing walkways (508 sq.ft.) to be removed.

variance is requested to construct an addition and garage with 100' of the bulkhead. Existing dwelling does encroach in the 100' buffer.



VICINITY MAP 1" = 2000'



APR 8 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

SCALE 1" = 50'

Owner: June S. Cook
1100 Magothy Circle
Annapolis, Md 21401

Tax Map 40, Block 12, Parcel 0028
Lot 337 Cape St. Claire

Lot consist of ~~32,516~~ ^{43,166} Sq. Ft. 43,166 sq. ft.
Existing Impervious 1,658 sq. ft.
Proposed impervious 3,028 sq. ft.
Total after addition 4,686 sq. ft.
Impervious allowed 4,877 sq. ft.