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4/19/99

MSA - S1829 - 77

AA 181-99 Douglas Jasa
VAR 1999-0139-V

of 10 feet by which the dwelling exceeds 50 feet in length. In this case, the side setback increases to nine feet. Accordingly, the proposal necessitates a variance of 1-foot to the north side setback.

Charlene L. Morgan, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is located in an older neighborhood and is below the minimum width for the R-5 district. Nevertheless, she was unable to support the request, absent a showing of hardship.¹

Mr. Smiley testified that the main entrance to the dwelling will be relocated from the side deck to the northeast corner. There are privacy fences along both side property lines. The witness displayed several photographs of other structures, including garages, along Mill Creek Road. There was no opposition to the request.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. This case satisfies the test of unique physical conditions, consisting of the narrow lot, such that 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 proposal very nearly meets the minimum side yard requirement and complies with the minimum combined side yard requirement. There was nothing to suggest that the granting

¹The witness initially identified the need for a variance to the combined side yard width. This determination was based on an existing deck in the southeast side yard. However, the deck is at grade and is properly excluded from consideration.

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

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

Re: Douglas G. Jasa
1999-0139-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks. This office has no comment regarding the setback issue. Since the subject lot is mapped as an Intensely Developed Area the applicant must address the 10% Pollutant Reduction Rule. On a lot of this size, plantings are appropriate.

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 181-99

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



March 15, 1999

CHESAPEAKE BAY CRITICAL AREA REPORT

APPLICANT: Mr Douglas G. Jasa
814 Mill Creek Road
Arnold, Maryland 21012

1. The existing one story (978 SF) residence is located on the waterfront in a Buffer Exempt area with a Land Use Designation of IDA. The property is Zoned R-5. I want to construct a two story addition on the rear of the house to accommodate a two car garage and covered entry walkway on the first floor, and a recreation room and laundry on the second floor. The addition will increase the length of the house from 46 feet to 70 feet. The existing house is only 8 feet from the property line on the North side. The code requires a 9 foot setback for a 70 feet long. Consequently a variance of one (1) foot is required to allow construction of the addition. For your information I have applied for a permit (B02135531) to add eight (8) feet to the house and add a second floor. This permit is pending.

2. A vicinity map is attached.

3. Narrative statements:

a. Approximately 5% of the property is vegetated with the following trees/shrubs: Oak, Hickory, Dogwood, Azalea, and miscellaneous perennial plants.

b. Rainwater is currently collected and dispersed via a gutter and downspout assembly to grade. The impervious coverage will not be increased since the addition will be built over an existing impervious gravel driveway.

c. Water quality will be minimized by planting additional trees and shrubs.

d. Approximately 5% of the site is covered with trees and shrubs. Approximately 1,428 SF of ground will be disturbed by the proposed construction. The property consists of 10,300 SF, is zoned R-5 and is classified LDA, Buffer Exempt.

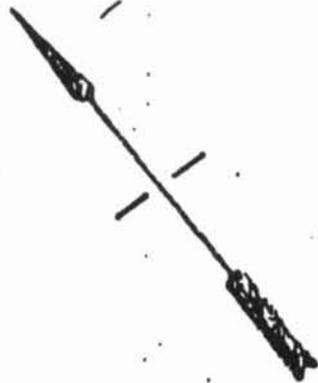
e. No habitat will be impacted by the proposed project.

4. The site plan indicates the requested information where applicable.

a. The proposed construction will be on the flat (1% slope) portion of the property.

b. Tree lines are delineated on the site plan.

- c. Not applicable.
 - e. Not applicable.
 - f. Additional dogwoods will be planted to enhance water quality if required.
5. A copy of the "Notification of Project Application" is attached.



MILL CREEK (30' RM) ROAD

N 25° 00' W 3027'

COVERED ENTRY WALK-WAY ADDN. (5' x 24')

EX. WOODEN SHED

EX. GRAVEL

BASEMENT ENTRANCE

EX. HOT TUB

EX. WOOD FENCE

ENCROACHMENT OF WOOD DECK

MILL

WOOD DECK (EX)
EX. FLEE
CREEK

EX. FENCE

EX GRAVEL DRIVEWAY

TO BE REMOVED

EX. FENCE

EX. 1STY. FRAME HOUSE

WOOD DECK

(EX) WOOD DECK

EX WOODEN SHED

2-STORY GARAGE RCTN/LAUNDRY ADDN (24' x 24')

RENNOVATION & ADDN UNDER PERMIT B02135531 (PENDING)

SCALE: 1" = 30'

Recorded in Plat Book 17

Page No. 79

This Plat is not intended to be used for the purpose of establishing property lines.

SITE PLAN

1" = 30'

JASA RESIDENCE, 814 MILL CREEK RD, ARNOLD, MD

REV: 3/15/99