

AA200-99 Moran, Victor  
VAR 1999-0149

MSA - 51829 - 83

CH  
MC  
4/22/99

to the rear and side setbacks.

Kevin P. Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the proposal decreases the extent of the encroachment into the rear yard. He also acknowledged that it would be difficult to improve this property with a garage due to the location of the dwelling. Nevertheless, he questioned the extent of the hardship and opposed the application.

Mr. Moran testified that there is limited on street parking due to transit bus activities. He seeks to shelter his vehicles from the resultant dust and protect them from vandalism and theft previously experienced. The witness indicated that there are other garages proximate to property lines in the neighborhood. The property to the rear is improved with a garage close to its side property line. The property to the side is improved with a large barn close to the common boundary. The witness expressed a willingness to maintain five feet from each property line. There was no public opposition to the request.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to modified relief from the code. This case minimally satisfies the test of unique physical conditions, consisting of limited space for a garage, such that there is no reasonable possibility of developing the lot in strict compliance with the code.<sup>1</sup> The grant of a modified variance of five feet to the

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<sup>1</sup>In addition, the shortage of street parking could be considered some evidence of hardship.

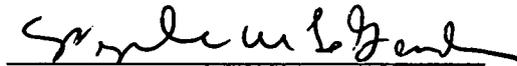
rear and side setbacks represents the minimum relief to the code. I find that the granting of a modified variance will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The record reflects that there are other garages in the neighborhood proximate to their property lines.

**ORDER**

PURSUANT to the application of Victor and Catherine Moran, 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 21<sup>st</sup> day of June, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a *modified* variance of five feet to the required 10-foot rear property line setback and five feet to the required 10-foot side property line setback to permit a 24' X 24' X 12' garage.

  
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

April 22, 1999

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

Re: Victor Moran  
1999-0149-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition that will require less setbacks and require greater coverage than allowed in an R5 zone. This office has no comment regarding either request. However, the subject lot is mapped as an Intensely Developed Area. As such, it must comply with the 10% Pollutant Reduction Rule. Native plantings for a lot of this size can satisfy this rule.

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 blue ink, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger  
Environmental Specialist

cc: AA 200-99

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

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: A.A.Co. Date: 4/1/99  
 Name of Project (site name, subdivision name, or other): Victor Moran  
 Local case number: 1999-0149-V  
 Project location/Address: 229 Anndel Rd Pas.

Tax map# 11 Block# 17 Lot# 32-34 Parcel# 171

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: variance to permit an accessory structure (with 1.5) setbacks than required & greater average

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 9.375 #

IDA ACRES	<u>X</u>	AREA DISTURBED:	_____
LDA ACRES	_____	# LOTS CREATED:	_____
RCA ACRES	_____	# DWELLING UNITS:	_____
AGRICULTURAL LAND:	_____		

EXISTING FOREST/WOODLAND/TREES: \_\_\_\_\_ FOREST/WOODLAND/TREES REMOVED: \_\_\_\_\_  
 FOREST/WOODLAND/TREES CREATED: \_\_\_\_\_

EXISTING IMPERVIOUS SURFACE: 2,144 # PROPOSED IMPERVIOUS SURFACE: 1,254 #  
 TOTAL IMPERVIOUS SURFACE: 3,998 # driveway + garage

GROWTH ALLOCATION DEDUCTED: \_\_\_\_\_

RCA to LDA: \_\_\_\_\_ RCA to IDA: \_\_\_\_\_ LDA to IDA: \_\_\_\_\_

**RECEIVED**

APR 20 1999

Local Jurisdiction Contact person: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Response from Commission required by: 5/21/99

Hearing Date: CHESAPEAKE BAY CRITICAL AREA COMMISSION

CRITICAL AREA REPORT

229 Arundel Road Pasadena, Md.

The site plan reflects the two large trees on our property. Otherwise, the property is lawn and flowers. The trees will be removed for the driveway extension and replanted near the pool.

The proposed garage structure will be completed with down spouts running towards the back yard. The existing gravel driveway will be extended to a total length of approximately 95 feet.

Impervious coverage amounts to 2,744 sq.ft. New impervious coverage amounts to 1,254 sq.ft. Total impervious coverage amounts to 3,998 sq.ft.

The property is flat, no slopes or wetlands.

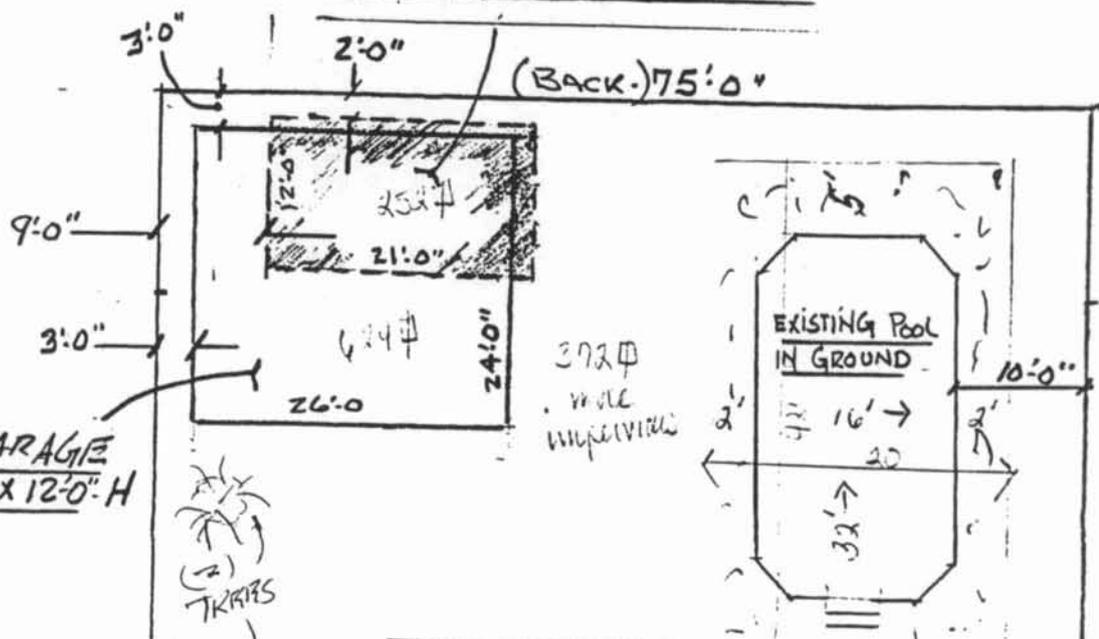
**RECEIVED**

APR 20 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

EXISTING 21'0" X 12'0" SHED.

PROPOSED GARAGE  
26'0" X 24'0" X 12'0" H



Driveway  
95' x 14' = 1330 sq. ft.

14' x 32' = 448 sq. ft.

EXISTING DRIVEWAY PAD

RECEIVED

APR 20 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

ARUNDEL RD

FILE COPY

RS 40% coverage allowed  
 site 9,375 sq. ft. = 3,750 sq. ft.  
 coverage 3,995 sq. ft. approximate  
 (43%)

1204  
 840  
 252  
 448  
 2744 sq. ft.  
 proposed  
 852 sq. ft. driveway  
 372 sq. ft. more garage  
 1254 sq. ft. smaller impervious