

AA203-99 Howes, Robert
VAR 1999-0168

MSA-S1829-86

LH
SC
4/22/99

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: Robert Howes
1999-0168-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition over an existing garage that will require less setbacks. This office has no comment regarding the setback issue provided no additional impervious areas be created. We note that a under a previous variance granted for this property in case V-143-94, the Administrative Hearing Officer conditioned his approval that the applicant remove a concrete pad, shed and pool. In addition he stated that no additional structures shall be permitted. The County should ensure these conditions were met since the previous application exceed the impervious surface limitations.

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, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 203-99

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

AA 203-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: AA60 Date: _____
 Name of Project (site name, subdivision name, or other): AUNLEN SHORES SEC A
 Local case number: 1999-0168-V Robert Howes
 Project location/Address: 4951 CHESTNUT STREET SHADY SIDE MD 20764

Tax map# 69 Block# 10 Lot# 25,27 Parcel# 87

Type of application:
 (Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 Buffer Slope
 Imp.Surf. Other X
- 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: THE SITE IS CURRENTLY A
RESIDENTIAL LOT WITH A SINGLE FAMILY DWELLING
ON THE PROPERTY LESS 510

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 0.114

IDA ACRES	_____	AREA DISTURBED:	<u>0</u>
LDA ACRES	<u>0.114</u> <u>4,965.54</u>	# LOTS CREATED:	<u>0</u>
RCA ACRES	_____	# DWELLING UNITS:	<u>1</u>
AGRICULTURAL LAND:	_____		

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

EXISTING IMPERVIOUS SURFACE: 1648 PROPOSED IMPERVIOUS SURFACE: _____
 TOTAL IMPERVIOUS SURFACE: 1648

GROWTH ALLOCATION DEDUCTED: _____ 3390

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

RECEIVED

APR 20 1999

Local Jurisdiction Contact person: _____ CHESAPEAKE BAY
 Telephone number: _____ CRITICAL AREA COMMISSION
 Response from Commission required by: 5/21/99 Hearing Date: _____

August 19, 1998

ANNE ARUNDEL COUNTY
DEPT. OF PLANNING & CODE ENFORCEMENT
Heritage Office Complex - 2662 Riva Road
Annapolis, MD 21404

SUBJECT: 4951 CHESTNUT STREET
Shady Side, MD 20764
Lots 25 & 27, Block 16, Sec. A; Avalon Shores

CRITICAL AREA REPORT

The subject developed lot is located in an LDA Critical Area, is zoned R5 and is maintained as a residential lawn. Our proposed addition over the existing garage will have no impact on any vegetation existing on the property.

Prior to this request, we submitted a building application (B02135040) for a variance; all applicable agencies (Site Review, Grading and Environmental) have been satisfied with regard to the stormwater management, grading and environmental issues. There are no habitat protection areas, wetlands or steep slopes located on the property.

In view of the above, it is considered that all provisions of the Variance Application procedure have been fulfilled.

Respectfully,

Darla K. Howes

Darla K. Howes (Owner)

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APR 20 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

SITE PLAN

SCALE: 1" = 20'

LOT AREA: 5000 SQ. FT

IMPERVIOUS TABULATIONS

EX. HOUSE	=	900 SQ. FT
EX. DRIVEWAY	=	668 SQ. FT
EX. WALK	=	80 SQ. FT
TOTAL	=	1648 SQ. FT
		OR 33%

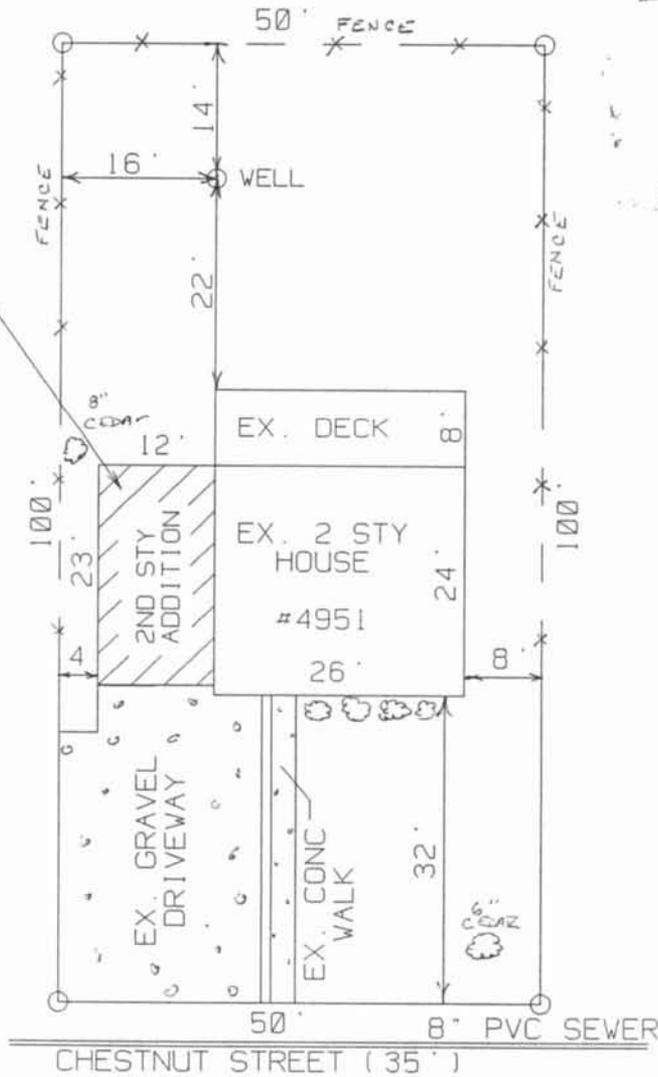


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APR 20 1999

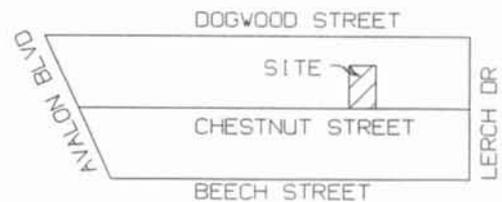
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

PROPOSED 2ND FLR.
ADDITION OVER EX.
GARAGE. VARIANCE
GRANTED FOR EX.
GARAGE SEE V-143-94



AVALON SHORES SEC A

LOTS 25 & 27 BLOCK 16
4951 CHESTNUT STREET
SHADY SIDE, MD 20764



164

RECEIVED

JUN 23 1994

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER V-143-94

RE: ROBERT & DARLA HOWES

SEVENTH ASSESSMENT DISTRICT

DATE HEARD: JUNE 14, 1994

ORDERED BY: ROBERT C. WILCOX, ADMINISTRATIVE HEARING OFFICER

DATE FILED: JUNE 16, 1994

PLEADINGS

The applicants, Robert & Darla Howes, are petitioning for a variance to permit an addition with less setbacks than required on property located 50' along the south side of Chestnut St., 185' east of Lerch Dr., Shady Side.

PUBLIC NOTIFICATION

At the hearing the Administrative Hearing Officer reviewed the file and ascertained that the case had been advertised in accordance with the provisions of the Code. Robert Howes testified that the property had been posted for more than fourteen (14) days prior to the hearing.

FINDINGS & CONCLUSIONS

The applicants own and occupy a residential dwelling known as 4951 Chestnut St. which is located in the Avalon Shores Subdivision, Shady Side. The property consists of 5,000 square feet and it is zoned R5 Residential.

The proposal calls for the construction of an attached 12 x 23 foot garage which will be located four feet from the east side lot line. This will result in a combined side yard width of 12 feet. The Anne Arundel County Code, Article 28, Section 2-506(a)(2) requires that R5 building lots maintain a minimum seven foot side yard setback with a combined side yard width of 20 feet. The proposed garage will require a variance of three feet to the east side property line setback and a variance of eight feet to the required 20 foot total side yard width.

Kevin Dooley, a zoning analyst with the Office of Planning and Code Enforcement, noted that the property is currently improved with an above ground pool, driveway, shed and concrete pad. Both the shed and the pool are located in the southwest corner of the property and both are non-conforming with regard to the current setback requirements. A small 4' x 8' concrete pad exists behind and off to the side of the existing dwelling. Including the dwelling, all of the structures constitute approximately 43% impervious coverage on site. The subject property is located within the Chesapeake Bay Critical Area. This building lot is limited to a maximum of 25% impervious coverage. The Office of Planning and Code Enforcement recommended that there be no net increase in impervious coverage on site. In order to accomplish this goal it will be necessary for the applicant to remove certain structures. He agreed to remove the shed, the pool and the concrete pad in order to offset the new impervious coverage which would be created by the proposed garage. No one testified in opposition to the proposal.

After reviewing all of the evidence in this case, I find and conclude that the requested variances comport with the spirit and intent of the zoning law. There is no evidence that the proposed garage will adversely affect any of the adjoining properties or alter the essential characteristics of the neighborhood. The applicant introduced letters from the adjoining property owners who supported the request. By removing the existing shed, above ground pool and concrete pad, there will be no substantial increase in impervious coverages on site. Therefore, I find no adverse affect to water quality, plant life

or animal habitat. I further find that the requested variances are the minimum necessary to afford relief.

Accordingly, applicants' request to construct a 12 x 23 foot attached garage along the east side of the existing dwelling shall be approved and the following variances shall be GRANTED:

1. A variance of three feet to the required seven foot east side property line setback.
2. A variance of eight feet to the required 20 foot combined side yard width.

The foregoing variances shall be subject to the condition that the applicants will move the 8 x 10 foot concrete pad and shed within 15 days of this order. The applicants shall remove the above ground swimming pool from the property no later than September 1, 1994. No additional structures shall be permitted on site.

ORDER

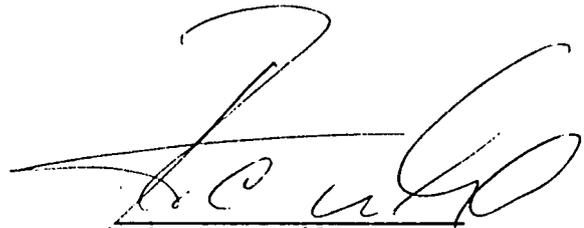
PURSUANT to the application of Robert and Darla Howes, petitioning for a variance to permit less setbacks than required, and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 16 day of June 1994,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request to construct a 12 x 23 foot attached garage along the east side of the existing dwelling shall be approved and the following variances are hereby GRANTED:

1. A variance of three feet to the required seven foot east side property line setback.
2. A variance of eight feet to the required 20 foot combined side yard width.

The foregoing variances shall be subject to the condition that the applicants will move the 8 x 10 foot concrete pad and shed within 15 days of this order. The applicants shall remove the above ground swimming pool from the property no later than September 1, 1994. No additional structures shall be permitted on site.



Robert C. Wilcox
Administrative Hearing Officer

NOTICE

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 (222-1119).

Further, Section 11-102.2 of the Anne Arundel County Code states:

A special exception or variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the special exception or 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.