AA 223-99 Smeltz, Paul
VAR 99-0181

MSA _S1829-96

LH
NC
5/6/99

Kevin P. Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is located in an older summer community and is well below the minimum standards for the current zoning. The lot is only 47 feet wide. The new garage addition will maintain the same west side building line as the existing garage. In the circumstances, he supported the application, conditioned on mitigation (planting or fee-in lieu) equal to the amount of new impervious surfaces and approval by the Health Department.

Mr. Smeltz testified that the applicants have owned the property since 1988 and occupied it as their primary residence since 1990. The dwelling was renovated in 1990 with the site substantially reforested. There is little opportunity for any additional plantings. The new addition will be a single story and served by electricity only. The entire structure will be utilized as a hobby/woodworking shop. The witness indicated that there is a small shed on the property to the west at a distance of about 10 feet from the common property line. He stated that the neighbors do not oppose the application. There was no opposition at the hearing.

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 well below the minimum area and width for the R-2 district. In the circumstance, there is no reasonable possibility of developing the property in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. The applicants are removing a smaller shed addition which is closer to the side property line. The replacement

addition will maintain the same setback as the rest of the garage. There is 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. The approval shall be subject to the conditions in the Order.

ORDER

PURSUANT to the application of Paul and Verna Smeltz, 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 12th day of July, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance of seven feet to the 10-foot west side property line setback to permit a one-story 14' X 19' garage addition.

The foregoing variance is subject to the following conditions:

1. The applicants shall provide mitigation on a 1:1 ratio based on the amount of new impervious surface created (plantings or fee-in lieu).
2. The building permit shall be subject to review and approval by the Health Department.

Stephen M. LeGendre
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

May 6, 1999

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

Re: Paul & Verna Smeltz
1999-0181-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition to an existing garage that will require less setbacks. This office has no comment regarding the setback issue. However, the lot is mapped as an Intensely Developed Area that requires the applicant to met the 10% Pollutant Reduction Rule. On a lot of this size, native plantings are sufficient.

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,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 223-99

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

AA 223-99

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel County Date: March 31, 1999

Name of Project (site name, subdivision name, or other): Long Point on the Magothy

Local case number: 1999-0181-V Paul & Verna Smeltz

Project location/Address: 1686 Twickenham Rd., Pasadena, MD 21122

Tax map# 25 Block# 17 Lot# 20,21 Parcel# 95

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)

- XX 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: Propose to build a 14'x19' addition to existing garage/workshop, foradditional space for hobby/crafts. The proposed structure will be built with a post and beam foundation. A existing 6'x12' shed will be demolished first. less s/b

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 7,050

IDA ACRES 7,050 AREA DISTURBED: 194

LDA ACRES _____ # LOTS CREATED: _____

RCA ACRES _____ # DWELLING UNITS: _____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: 80sqft FOREST/WOODLAND/TREES REMOVED: 0

FOREST/WOODLAND/TREES CREATED: 0

EXISTING IMPERVIOUS SURFACE: 2770 sqft PROPOSED IMPERVIOUS SURFACE: 194 sqft

TOTAL IMPERVIOUS SURFACE: 2964 sq ft

GROWTH ALLOCATION DEDUCTED: _____

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

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: 6/1/99 Hearing Date: _____

March 31, 1999

Re: Request for a Variance
Paul W. Smeltz
1686 Twickenham Road
Pasadena, MD 21122

Critical Area Report

1. A variance is needed to obtain a building permit to demolish a 6' x 12' shed, then build a 14' x 19' addition to extend the existing garage/workshop. The proposed workshop will be three (3) feet from the property line on one side.

2. Vicinity Map (see attached)

3. Narrative Statement

   a) Trees: two (2) chestnut and one (1) sassafras.
   b) The existing structure is next to the driveway that is pitched towards the common area (vacant lot) for rainwater runoff and the proposed structure will used the same system for rainwater runoff.
   c) The proposed structure will use a post and beam foundation, will have minimal excavation and all dirt will be hauled away.
   d) Sq. ft. of trees and flower gardens: 645
      Sq. ft. to be disturbed: 194
      Total impervious coverage before:2,698 sq. ft.
      Total impervious coverage after: 2,964 sq. ft.
      Lot size: 7,050 Sq. ft.
   e) Habitat protection areas: none

4. Plan (see attached)

5. Notification of Project Application (see attached)