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AA 359-99
VAR

Flannery, James
99-0248

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AUG 18 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0248-V

IN RE: JAMES AND TARI FLANNERY

THIRD ASSESSMENT DISTRICT

DATE HEARD: AUGUST 10, 1999

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: KEVIN P. DOOLEY

DATE FILED: AUGUST 16, 1999

PLEADINGS

James and Tari Flannery, the applicants, seek a variance (1999-0248-V) to permit a dwelling addition with less setbacks than required on property located along the south side of Lakeland Road, South, south of Benfield Road, Severna Park.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Ms. Flannery testified that the property was posted for 14 days prior to the hearing.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence located at 627 Lakeland Road, South, Severna Park. The property comprises 16,988 square feet and is zoned R-2 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). This is a waterfront lot on the Severn River. The applicants propose to construct a 20' X 32' rear addition which will be within six feet of the east side lot line. The west side yard is 12 feet wide. As a result of the construction, the overall length of the dwelling will be 84 feet.

The Anne Arundel County Code, Article 28, Section 2-405(a)(2) requires side yards at least seven feet wide with a combined side yard width of at least 20 feet. Section 10-104(e)(11) increases the side setback by one-foot for each 10 feet

or fraction of 10 feet by which the dwelling exceeds 50 feet in length. In this case, the east side yard increases to 11 feet. Accordingly, the proposal necessitates a variance of five feet to the east side setback and two feet to the combined side yard width.

Kevin P. Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is well below the minimum width for the R-2 district (50 feet vs. 80 feet). The site is unusually narrow and very long (300 feet). The dwelling already encroaches into the eastern side yard setback and the addition will follow the same building line. The construction is away from the water and the applicants are planning to remove an existing driveway and shed and reduce the impervious coverage. In the circumstances, he supported the application.

Ms. Flannery submitted several photographs depicting the narrowness of the property. The addition will house a two-car garage and bathroom. The witness indicated that the neighbors do not object to the proposal. There was no adverse testimony at the hearing.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief to the code. This case satisfies the test of unique physical conditions, consisting of a long and 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. The addition maintains the existing building lines. It is away from the water and the

applicants will reduce impervious coverage. There was 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 condition in the Order.

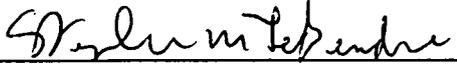
ORDER

PURSUANT to the application of James and Tari Flannery, petitioning for a variance to permit a dwelling addition 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 16th day of August, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance of five feet to the 11-foot east side setback and two feet to the combined side yard width to permit a 20' X 32' rear addition.

The foregoing variance is subject to the condition that the area of the existing driveway and sidewalk that will be removed shall be revegetated with native vegetation to insure perviousness.


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

July 12, 1999

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

RE: Variance 1999-0248-V, James Flannery

Dear Mr. Dooley:

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

Because no habitat protection areas will be affected by this proposal and because impervious surfaces will be decreased, this office has no comment on this setback variance. The area of the existing driveway and sidewalk that will be removed should be revegetated with native vegetation to ensure future perviousness.

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 in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA359-99

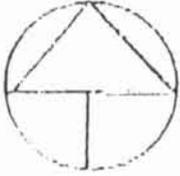
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



HOPKINS ENGINEERING

3704 CHURCHVILLE ROAD
 ABERDEEN, MARYLAND 21001
 410-273-7434 - Phone
 410-575-6723 - Fax

LAKELAND ROAD



- Proposed new driveway
- Removal of Existing driveway and Shed

Remove 2 trees

Add 2 Trees

Remove sidewalk

Proposed Addition
 2-car garage (21'x20')
 plus master bath (17'x11')

Total Impervious	SF Existing	SF proposed
House	2056	2663
Driveways Sidewalk	3848	2,260
Accessory Structure	333	233
	<u>6237 SF</u>	<u>5,156 SF</u>
%		30.4%



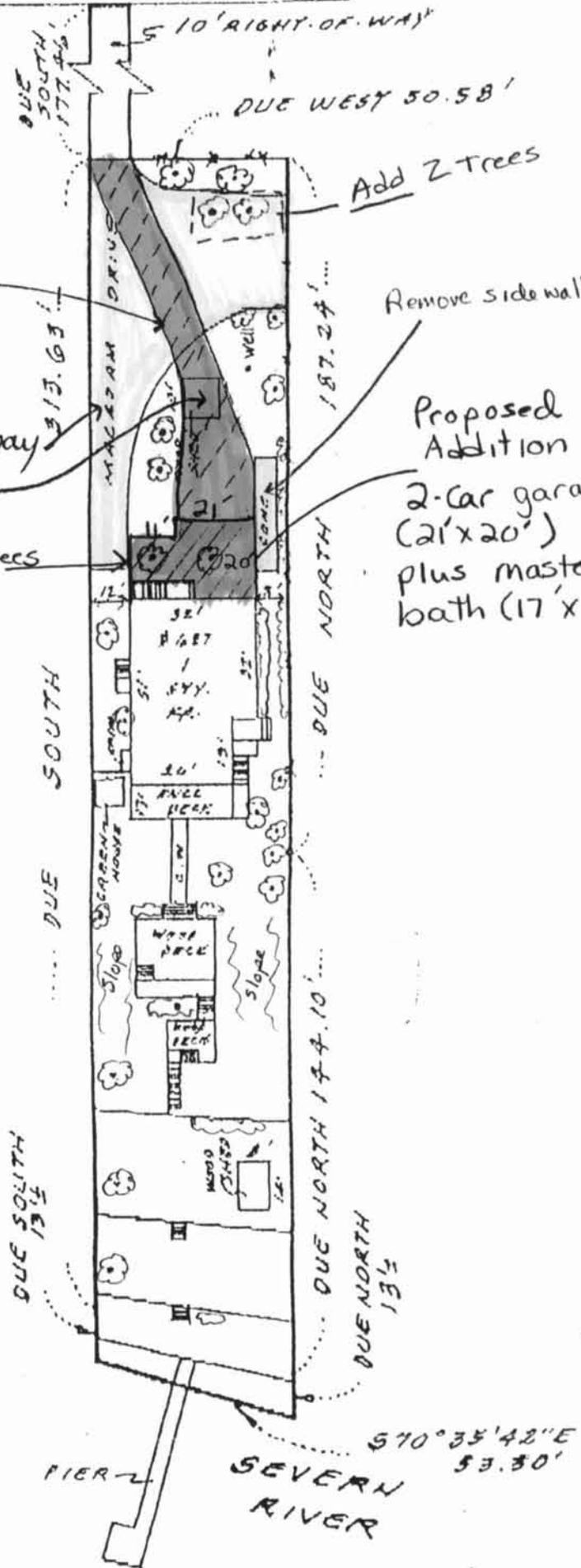
LOCATION DRAWING

ADDRESS: 627 LAKELAND ROAD
 COUNTY/CITY: ANNE ARUNDEL CO., MD.
 PLATBOOK:
 DEED REF: 3386/301
 SUBDIV. NAME:

LOT: BLOCK: SECTION:
 FLOOD ZONE "R"
 SCALE: 1" = 40'

NOTES:

- 1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEAIPLATED TRANSFER, FINANCING OR REFINANCING.
- 2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
- 3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
- 4) THE OFFSET DIMENSIONS TO THE APPARENT PROPERTY LINES SHOWN HEREON REFLECT AN ACCURACY OF ± 1'.



CRITICAL MASS DEMONSTRATION
CHURCHILL SQUARE

JUL 9 1999

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