AA 478-99 Centenary United Methodist
VAR 99-0372

MSA_S_1829-190

he letter
10/18/01

478-99

RECEIVED
NOV 18 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0372-V

IN RE: **CENTENARY UNTIED METHODIST CHURCH**

SEVENTH ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 9, 1999

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: **KEVIN DOOLEY**

DATE FILED: **NOVEMBER** 17**, 1999**

PLEADINGS

Centenary United Methodist Church, the applicant, seeks a variance (1999-0372-V) to permit a building addition with less setbacks than required on property located along the west side of Shady Side Road, south of Avalon Blvd., Shady Side.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Bob Lee, Chairman of the Administrative Council of the Church, and the duly appointed representative of the Board of Trustees for purposes of the application, testified that the property was posted on October 25, 1999, with the signs re-installed on November 3, 1999. I find and conclude that there was adequate public notice.

FINDINGS AND CONCLUSIONS

This case concerns church property located at 6248 Shady Side Road, Shady Side. The site comprises 3.33 acres and is split zoned R-1 and R-5. The church is located on the R-5 portion of the site. The property is located within the Chesapeake Bay Critical Area with a Limited Development Area classification. The applicant proposes to construct a 10' X 11' mechanical room addition onto the rear of the church within seven feet from the rear lot line.

The Anne Arundel County Code, Article 28, Section 2-506(a) requires a rear

setback of 20 feet in the R-5 district. Accordingly, the proposal necessitates a variance of 13 feet.

Kevin Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the church is an older building which already encroaches into the required rear setback. The building is difficult to expand due to cemeteries in the front and north side yards and large trees in the south side yard. The stated purpose of the project is to relocate mechanical equipment from the basement, which is prone to flooding. The applicant is proposing to reduce the impervious coverage by removing an existing brick walkway. In the circumstances, the witness supported the application.

Mr. Lee confirmed that the existing mechanical room is below grade and experiences frequent flooding. The addition has been placed in close proximity to the existing electrical and mechanical systems to minimize the disturbance to the improvements and the site. No clearing is proposed and the applicant will remove 216 square feet of existing impervious coverage. Finally, the structure abuts Jordan Drive to the rear, so there will be very little impact to neighboring properties. 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 a restricted rear yard, as well as the site limitations of the cemetery and specimen trees, 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 is a very small addition. It is entirely reasonable to relocate the mechanical systems to a higher location and adjacent to the existing lines and connections. The proposal will reduce the extent of impervious coverage. There is nothing to suggest that the grant 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 extent of the impact will be reduced by the intervening roadway between the site and the adjacent property. The approval shall be subject to the condition in the Order.

ORDER

PURSUANT to the application of Centenary United Methodist Church, petitioning for a variance to permit a building 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 17th day of November, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance of 13 feet to the 20-foot rear property line setback to permit a 10' X 11' addition in accordance with the site plan.

The foregoing variance is subject to the condition that the applicant shall

remove 216 square feet of impervious coverage as indicated on the site plan.

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

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

October 18, 2001

Ms. Ramona Plociennik
Anne Arundel Co., Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0405-V, Centenary Methodist Church

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a church building with less setbacks than required. The property is designated LDA and currently contains a parking area. The site formerly contained a church building that was recently destroyed by a fire.

Because there are no impacts to any Habitat Protection Areas and because there will be a net decrease in impervious surface, this office has no comment on this setback variance. Due to the large amount of impervious surfaces proposed, stormwater management should be required.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA478-99

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

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

AA 478-99

DATE: 09/20/2001
TIME: 15:24:37

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

APPLICATION TYPE VARIANCE

CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	ACRES	TYPE
2001-0405-V	7001-0076-1173	69	17	0450	B	3.330	EC

APPLICANT NAME CENTENARY METHODIST CHURCH
CLASS COM STANDARD SETBKS TYPE
ANALYST LSD STATUS OPEN DECISION
OWNER NAME/ADDRESS/PHONE
CH- CENTENARY METHODIST
P O BOX 529

SHADY SIDE MD 20764 TELEPHONE

APPLICATION DATE 09/20/2001
APPLICATION FEE 275.00
COURT APPEAL
PROPERTY DESCRIPTION
IMPSLT B
6248 SHADY SIDE RD
AVALON SHORES

PROPERTY LOCATION 455 FEET OF FRONTAGE ON W SIDE OF SHADY SIDE RD.
500 FEET S OF AVALON BLVD IN SHADY SIDE

TAX DIST 7 COUNCIL DIST 7 ZONING R5
WATERFRONT N CORNER LOT N CRITICAL AREA: IDA N LDA Y RCA N
MAPS: 200 ALEX DEED: LIBER 00311 FOLIO 099

DATE: 09/20/2001
TIME: 15:25:59

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE DESCRIPTION AND RECOMMENDATION DATA

PROGRAM ID: PNZ021C
SCREEN ID: PNZMS21

CASE NUMBER 2001-0405-V APPLICATION TYPE VARIANCE
DESCRIPTION
VARIANCE TO PERMIT A CHURCH BUILDING WITH LESS SETBACKS THAN REQUIRED

RECOMMENDATIONS

CLEAR-MENU RECORD SUCCESSFULLY UPDATED
PF1-MST PF2-HEA PF3-SIG PF6-COM PF11-FWD PF12-BCK
4-© 1 Sess-1 189.9.9.4 PAOF 7/5

RECEIVED
OCT 9 2001
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Date: 09/20/01 Time: 15:27:54

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

September 13, 1999

Kevin Dooley, Chief, Zoning
Department of Planning and
Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0372-V, Cententary United Methodist Church

Dear Mr. ~~Dooley~~ Kevin:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a building with less setbacks than required. The parcel is designated LDA and is currently developed with a church, cemetary, and parking lot.

Because there will be a net decrease in impervious surfaces and no clearing is involved, this office has no comment on the setback issue.

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,

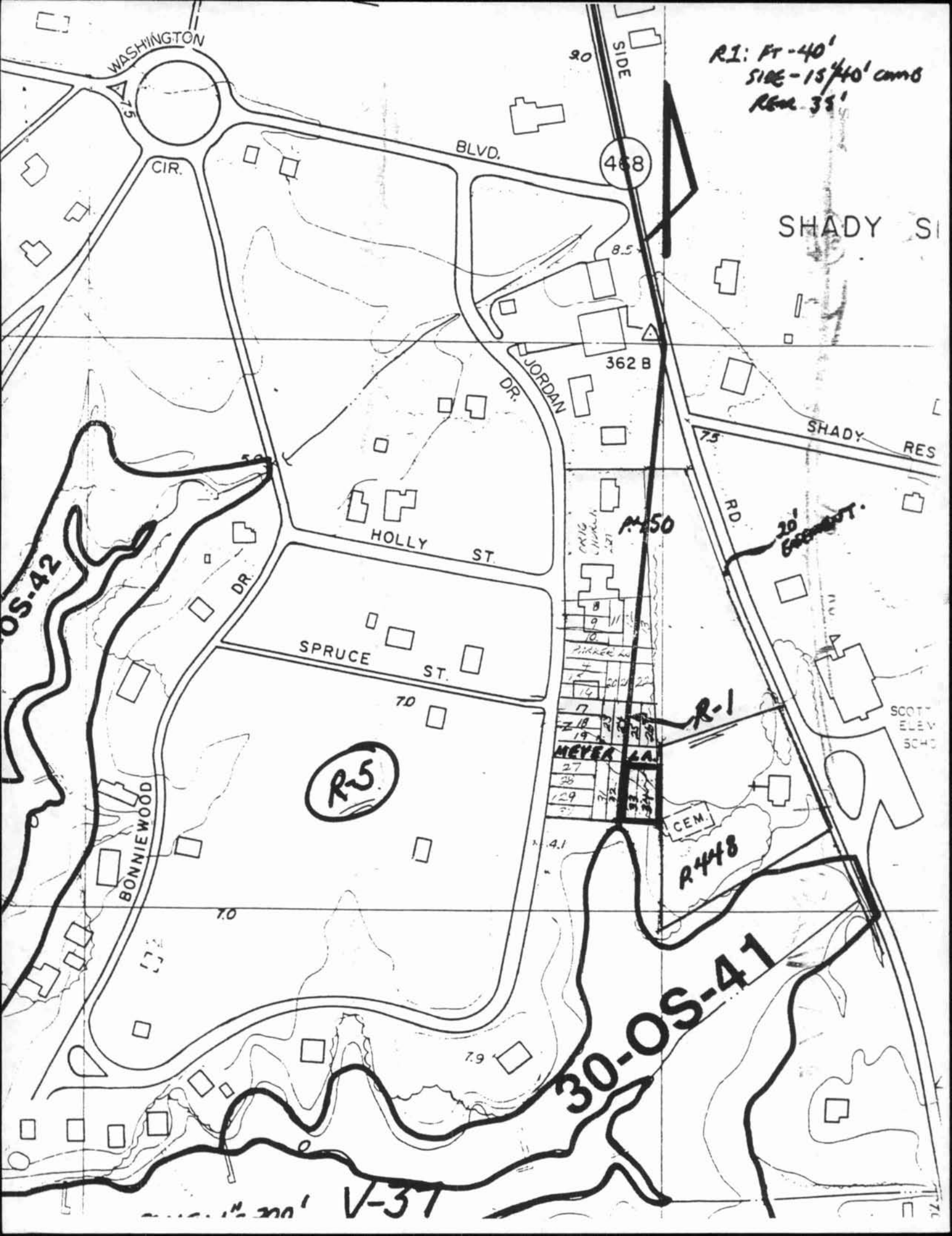
Regina A Esslinger

for LeeAnne Chandler
Natural Resources Planner

LACP/jjd

cc: AA478-99

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



R1: FT-40'
SIDE-15'/40' comb
REAR 35'
WASHINGTON
CIR.
BLVD.
SIDE
468
SHADY SI
362 B
JORDAN
DR.
SHADY RES
RD.
HOLLY ST.
SPRUCE ST.
DR.
BONNIEWOOD
R-5
R-1
MEYER LA.
CEM.
R448
30-OS-41
V-37
OS-42

CENTENARY UNITED METHODIST CHURCH
Members in Ministry
6248 Shady Side Road, P.O. Box 529, Shady Side, Md. 20764
Pastor's Study: (410) 867-2048
Bob Lee, Chair, Administrative Council: (410) 867-7536 (home)
(410) 647-2727 (work); (410) 647-7127 (fax)

August 24, 1999

Mr. Kevin Dooley, Zoning Administrator
Anne Arundel County
Department of Planning and Code Enforcement
2664 Riva Road, Suite 390
Annapolis, Md. 21401

RE: Letter of Explanation
Variance Application - CENTENARY UNITED METHODIST CHURCH
Tax Map 69, Block 17, Parcel 450 (Lot "B")

Dear Mr. Dooley:

Please find submitted herewith an application for a variance to permit a building addition with less setback than required and associated required submittal materials. This property **is** located in the Limited Development Area designation of the Chesapeake Bay Critical Area. The required Notification of Project Application and Critical Area Report accompany this submittal. Please note that the submitted site plan constitutes both the variance and critical area site plan.

I am submitting this application at the request of the Board of Trustees of the church, who own and are responsible for the church property, pursuant to a resolution of the Board dated June 13, 1999 appointing me as its representative for the purposes of this application. The original of the resolution is submitted with the pink application forms.

As you now know, the present mechanical room for the church is located below-grade and, due to the high water table and impermeable soils in Shady Side, is subject to frequent flooding. While two sump pumps have been installed to help with this problem, we frequently have standing water in the cellar mechanical room. Our concerns are that the sump pumps will not be able to handle the amount of water or that the electricity will be interrupted (i.e during a storm or heavy rain) and the furnace and electrical equipment in the room will be damaged because the sump pumps will not be operating.

The Trustees wish to permanently correct this problem by moving the mechanical equipment into a small, 110 square foot enclosed addition attached to the church and located just above the present location of the equipment. The improvements would be located 7.5 feet from the existing property line. Locating the addition as shown on the site plan is critical due to the proximity of the proposed addition to existing electrical and mechanical lines, pipes, flues, supplies, returns, etc.

Please note that relevant computations for development in the critical area such as existing and proposed impervious coverage and woodlands/clearing are included on page two of the Critical Area Report. You will note most significantly that no clearing is proposed and that the impact of the additional 110 square feet of impervious surface resulting from the construction of the addition will be mitigated by the removal of 216 square feet of existing impervious surface (a brick walkway) at the rear of the church near the proposed addition. The mitigation will result in a net decrease of 106 square feet of impervious surface on the site.

We emphasize that the variance is necessitated by the existing location of the church on the site and the necessity of locating the building addition in close proximity to the existing mechanical system. The circumstances preclude the location of the addition elsewhere on the site without a relocation of the entire mechanical system and associated equipment or a wholesale renovation of the existing sanctuary either of which would be extremely impractical and would create an unnecessary hardship in light of the minimum relief requested.

The grant of the variance will confer no special priviledge on Centenary because it would merely permit utilization of the existing mechanical system at the church. The request is based on the existing location of the church and mechanical systems rather upon any actions by the church. The request does not arise from the use of adjacent properties because it is site specific. As noted earlier, the application proposes no clearing, very limited disturbance and proposed on-site mitigation for the addition of impervious surface. All of the foregoing, especially when considered in light of the minimal relief requested demonstrate conformity with the intent and spirit of the critical area laws.

We respectfully submit that the foregoing warrants the finding that the proposed relief is the minimum necessary in these circumstances. A grant of variance will have no impact on adjacent properties because the proposed addition is separated from adjacent properties by a public road. The grant would have no impact on forest clearing or replanting practices in the LDA because no clearing is proposed. Finally, the grant would have no impact on the public health, safety or welfare because fire and police access is unchanged, sight visibility will not be impaired and all proposed construction will be reviewed by Anne Arundel County in the building permit process.

The application presents the practical difficulties contemplated by the Code for the granting of a variance. In the present circumstances, to require strict implementation of the Code would constitute an unnecessary and unwarranted hardship given the minimal extent of relief sought, the fact that no clearing is proposed and the fact that mitigation for impervious coverage will result in a net decrease of impervious coverage on site.

Thank you for meeting with me in this matter. The Board of Trustees, the congregation and I appreciate your support of this application. If you have questions or if I may provide additional information, please do not hesitate to call me.

Very truly yours,

CENTENARY UNITED METHODIST CHURCH

Bob Lee, Chair
Administrative Council

cc: Barry Cornwall
Rev. Stephanie Vader
f: bobcumc.var.ltexpl

T.M 69 BLOCK 17 PARCEL 890
AVALON SHORES
SUBDIVISION – BLOCK 39
PLAT BOOK 10, PLAT PAGE 5
PLAT #531
ZONING: R-5

T.M. 69 BLOCK 16 PARCEL 88
AVALON SHORES SUBDIVISION
PLAT BOOK 10, PLAT PAGE 4, PLAT #527
ZONING: R-5

EX. JORDAN DRIVE

EX. MEYER LANE 25' R/W

EX. PINE STREET 25' R/W UNIMP.

EX. SHADYSIDE (MARYLAND ROUTE 468) ROAD

NORTH

N15°43'07"E 194.96'

N07°09'27"E 249.26'

S81°23'33"E 216.36'

S10°23'33"E 189.22'

S13°02'33"E 127.71'

S14°26'33"E 85.78'

S14°42'07"E 51.90'

S75°17'53"W 236.63'

N74°10'53"W 113.86'

N74°10'53"W 75.00'

N15°49'07"E 50.00'

PROPOSED 10'X11' ADDITION

EXISTING 1.5 STORY CHURCH #6248

EXISTING 1.5 STORY PARSONAGE

EXISTING MECHANICAL ROOM

EX. BRICK S/W TO BE REMOVED WITH BUILDING PERMIT

EX. ASPHALT PAVING

R5 ZONING
R1 ZONING

40'BRL (PER PLAT)

DEV. WOODLANDS

EXISTING WOODS

SMALL CEMETERY

LARGER CEMETERY

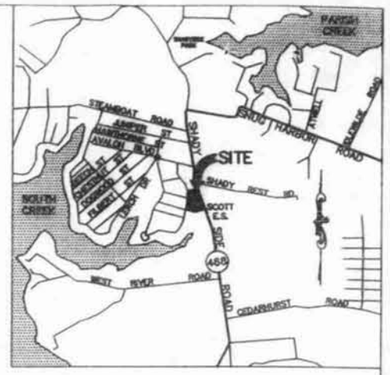
EX. GRAVEL PARKING AREA

EX. WELL

EX. HEDGE

EX. SHED

T.M. 69 BLOCK 17 PARCEL 448
ST. MATTHEWS UNITED METHODIST CHURCH PROPERTY
PLAT : LIBER 5472
FOLIO 741 (LOT "A")



VICINITY MAP
NTS

LEGEND

SPECIMEN TREE CANOPY
SPECIMEN TREE
EX. WOODLANDS
DEVELOPED WOODLANDS
WOOD FENCE
CHAIN LINK FENCE

R5 SETBACKS

FRONT	25 FEET
SIDE	7FEET/20 FEET COMBINED
REAR	20 FEET
CORNER	20 FEET

NOTES:

1. THIS PROPERTY IS LOCATED WITHIN THE LDA (CA MAP #30)
2. THIS SITE PLAN IS BASED ON THE PLAT RECORDED IN LIBER 5672, FOLIO 741.
3. THIS SITE PLAN ACCOMPANIES AN APPLICATION TO PERMIT A BUILDING ADDITION (SHOWN [redacted] HEREON) WITH LESS SETBACK THAN REQUIRED.

SHEET 1 OF 1

VARIANCE SITE PLAN & CRITICAL AREA PLAN

FOR

CENTENARY UNITED METHODIST CHURCH

(PREVIOUSLY RECORDED AS: SUBDIVISION OF THE ST. MATTHEWS UNITED METHODIST CHURCH PROP. AND THE CENTENARY UNITED METHODIST CHURCH PROP. IN LIBER 5672, FOLIO 741 [M.S. 92-41])

TAX MAP 69 BLOCK 17 PARCEL 450 (LOT "B")

7TH ASSESSMENT AND COUNCILMANIC DISTRICTS

ANNE ARUNDEL COUNTY, MARYLAND

SCALE:1"=50' *AUGUST 12, 1999*

ZIPCODE: 20764 *ZONING: R1/R5*