

AA 525-00
VAR

Manizade, Ali
0360

MSA-S-1829-833

RC letter
10/10/00

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 16, 2000

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

RE: Variance 2000-0360-V, Ali & Fevziye Manizade

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 and Buffer than required. The property is designated LDA and is currently developed with a house and driveway.

This office often does not oppose additions of reasonable size. Impacts should be minimized and the variance requested the minimum to provide relief. In this case, it appears that the proposed addition will be placed over existing impervious surface. We do not oppose the variance requested. However, according to our rough calculations, development on this lot already exceeds the permitted amount of impervious surface. While the addition will be placed over existing impervious area, we recommend that some plantings be provided within the Buffer to offset the high amount of imperviousness on this lot.

Thank you for the opportunity to provide comments. 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: AA525-00

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

Ali and Fevziye Manizade
109 W. Bayview Dr.
Annapolis, Maryland 21403

Variance Application

Explanation of Variance Request

Homeowners propose to add a small sunroom addition to their waterfront residence in Hillsmere Estates. The house currently has an existing glass enclosed patio room which faces the water. The proposed improvement will incorporate the existing patio room and add an additional 128 square feet of living space. The end result will be a sunroom which will provide year round use and enjoyment.

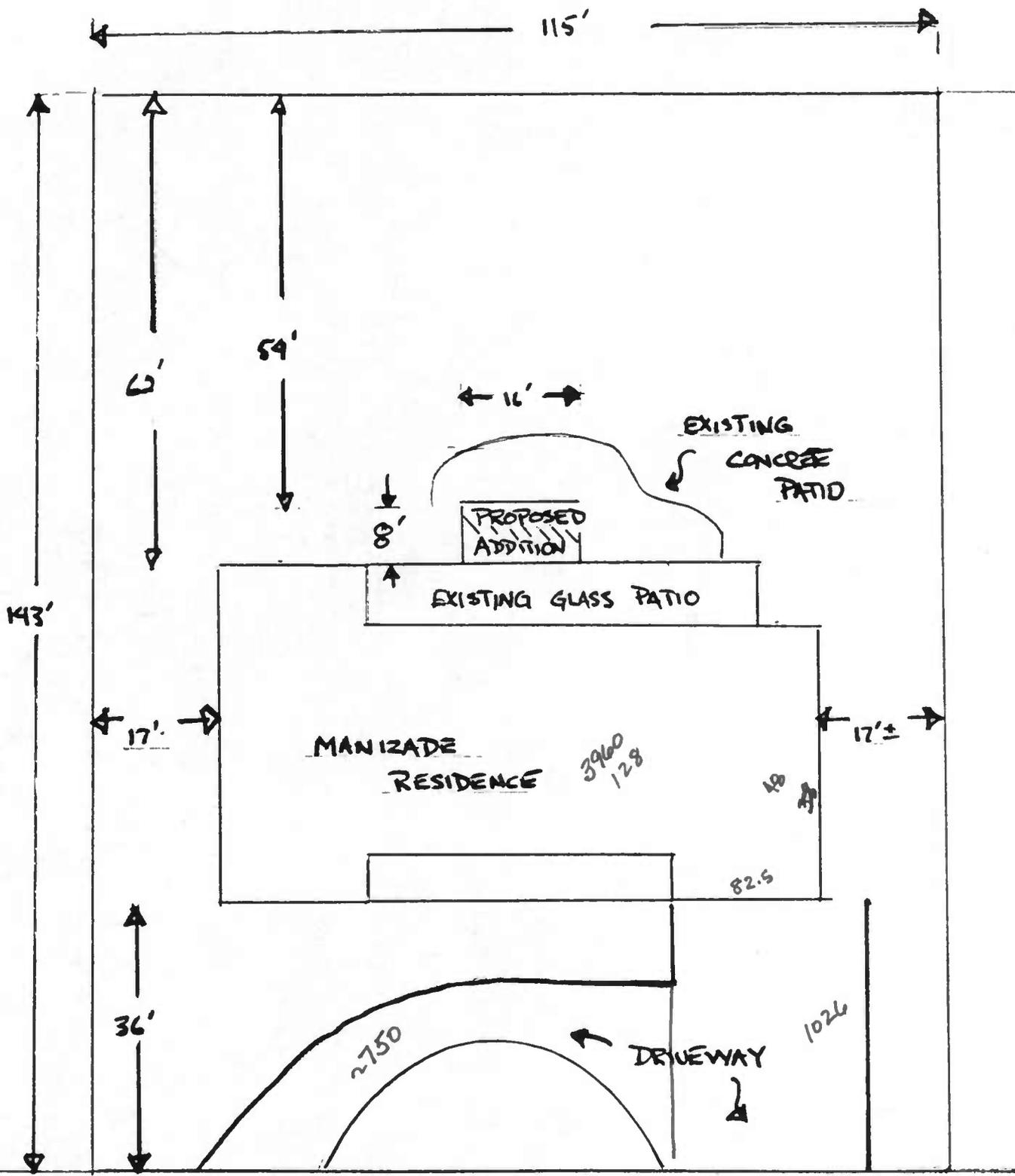
The subject property currently has a glass-enclosed 8' wide porch which faces the waterfront. An exposed aggregate concrete patio abuts the waterfront porch. The proposed addition requires a variance since the addition will be closer to the waterfront than the primary existing structure. The addition will require a section of the concrete patio be removed, 16' wide and extending 8' toward the waterfront. A single story addition 16' long and 8' wide with a top-plate height of 8' (to match existing single story residence) with a 6 in 12 roof pitch. The total height of the addition to be 14' and stay below the roof line of existing residence.

NO TREES, SHRUBBERY OR GRASS WILL BE DISTURBED/REMOVED AS A RESULT OF PROPOSED IMPROVEMENT.

The property is predominantly covered by white pine and various shrubbery. These trees and shrubs cover approximately 20% of the property. Refer to enclosed Landscape Plot Plan for exact location. Area of site covered with trees and shrubs is approximately 3,300 square feet. The property is predominantly flat with minimal or no slope.

Rainwater runoff and control to tie to existing gutters and leaders.

The subject property is bordered by properties which extend far beyond the proposed sunroom addition. The proposed addition of 128 square feet of living space coupled with updating the existing porch will keep the residence in character with surrounding properties.



W. BAYVIEW DRIVE

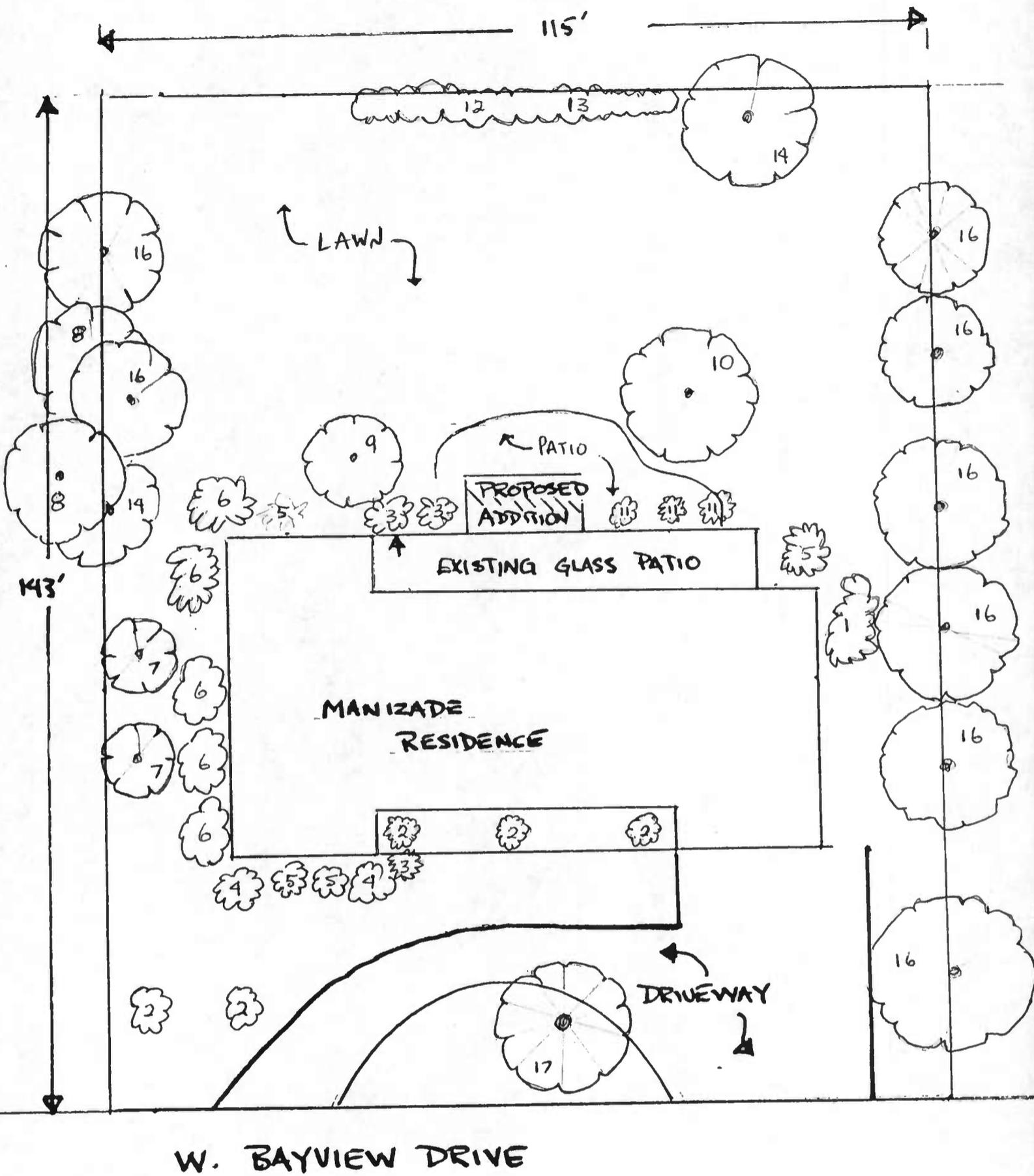
SCALE 1" = 20'

PLOT PLAN

109 W. BAYVIEW DRIVE

LANDSCAPE PLOT PLAN

109 W. BAYVIEW DRIVE



SCALE 1" = 20'

1 - Forsythia

2 - Boxwood

3 - Azalea

4 - Hydrangea

5 - Rhododendron

6 - Evergreen Shrub 6'

7 - Dogwood Trees 15'

8 - Maple Trees 40'

9 - Pear Tree 10'

10 - Fig Tree

11 - Rose Bushes

12 - Weeds

13 - Honeysuckle

14 - Cherry Tree 20'

15 - Holly Shrub 5'

16 - White Pines 40'

17 - Locust Tree 30'

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

OCT 13 2000

RECEIVED

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2000-0360-V

IN RE: ALI AND FEVZIYE MANIZADE

SECOND ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 9, 2000

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: PATRICIA A. MILEY

DATE FILED: NOVEMBER 14, 2000

RECEIVED

NOV 15 2000

CHESTERMAY BAY
CRITICAL AREA COMMISSION

PLEADINGS

Ali and Fevziye Manizade, the applicants, seek a variance (2000-0360-V) to permit a dwelling addition with less setbacks and buffer than required on property located along the south side of West Bayview Drive, west of Hillsmere Drive, Annapolis.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. Ali Manizade testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence located at 109 West Bayview Drive, in the subdivision of Hillsmere Estates, Annapolis. The property comprises 18,285 square feet and is zoned R-2 Residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). This is a buffer exempt lot on the South River. The applicants propose to construct an 8' X 16' addition to an existing glass-enclosed waterfront porch. The construction is over a concrete

patio and will extend within 54 feet from tidal waters. The dwelling is located 62 feet from the water.

The Anne Arundel County Code, Article 28, Section 1A-109(c) prohibits expansion of existing structures closer to the shoreline in buffer exempt areas. Accordingly, the proposal necessitates a buffer variance in the amount of eight feet.

Patricia A. Miley, a zoning analyst with the Office of Planning and Zoning, observed that the neighboring property is developed even closer to the water than this request. Because the area of the proposed construction is already impervious, she did not oppose the request, conditioned on mitigation plantings in the buffer at a ratio of 2:1.

Mr. Manizade testified that the construction will not disturb vegetative areas. He displayed an aerial photograph depicting a pool substantially closer to the water on the adjacent property. The witness acceded to the requested mitigation. There was no adverse public testimony concerning the request.

Upon review of the facts and circumstance, I find and conclude that the applicants are entitled to relief from the code. For this Critical Area property, due to the proximity to water, a strict implementation of the program would result in an unwarranted hardship. To literally interpret the program will deprive the applicants of the right to expand the dwelling, a right commonly enjoyed by other properties in similar areas within the Critical Area. Conversely, the granting of the variance will not confer on the applicants any special privilege that the

program typically denies. There was nothing to suggest that the request is based on circumstances resultant of actions by the applicants; nor does it arise from land use on neighboring property. Finally, with mitigation, the variance will not adversely impact Critical Area resources and will harmonize with the general spirit and intent of the program. I further find that the variance is the minimum necessary to afford relief. The addition is modest in size and is located over existing impervious surface. There was 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 approval shall be subject to the condition in the Order.

ORDER

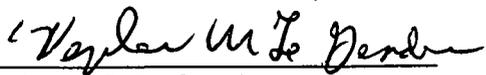
PURSUANT to the application of Ali & Fevziye Manizade, petitioning for a variance to permit a dwelling addition with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 14 day of November, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a buffer variance of eight feet to permit an 8' X 16' addition in accordance with the site plan.

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

provide mitigation plantings in the buffer at a ratio of 2:1.



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.