

AA 532-00
VAR

Thompson, Henry
0372

MSA-S-1829-840

LC letter
10/16/00

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 2000-0372-V, Henry Thompson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a porch addition and handicap ramp with less setbacks than required. The property is designated IDA and is currently developed with a house and driveway.

Because no habitat protection areas will be impacted, this office has no comment on the setback variance. This lot is designated IDA. Therefore, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

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: AA532-00

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

532-10

RECEIVED

NOV 23 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2000-0372-V

IN RE: **HENRY & ELLEN THOMPSON**

SEVENTH ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 21, 2000

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

ZONING ANALYST: **PATRICIA A. MILEY**

DATE FILED: NOVEMBER 22, 2000

PLEADINGS

Henry & Ellen Thompson, the applicants, seeks a variance (2000-0372-V) to permit a porch addition and handicap ramp with less setback than required on property located along the south side of Harbor Way, east of Battee Drive, Churchton.

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. Ms. Thompson 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 1119 Harbor Way, in the subdivision of Cape Anne, Churchton. The property comprises of 5,000 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Intensely Developed Area (IDA). This is a nonwaterfront lot. The applicants propose to replace an existing 9' x 9' front porch and steps with a 3' x 24' handicap ramp and 10' x 16' screened porch. The construction is proposed

17 feet from the front lot line.

The Anne Arundel County Code, Article 28, Section 2-506(a) requires lots in the R-5 district to maintain a front setback of 25 feet. Accordingly, the proposal necessitates a variance in the amount of eight feet.

Patricia A. Miley, a zoning analyst, with the Office of Planning and Zoning, testified that the property is below the minimum area and width for the R-5 district. The dwelling is already nonconforming with respect to the front setback. The replacement screened porch is only nominally wider than the existing front porch and steps. The additional encroachment into the front setback results from the handicap ramp. The witness observed that a reduction in setbacks is authorized to accommodate a physically challenged resident under Section 10-126. Nevertheless, the request was considered under the variance statute because of the increase depth of the porch. Ms. Miley stated there is sufficient evidence of hardship to justify the minimal variance. By way of conclusion, she supported the application.

Ms. Thompson testified that her neighbors do not object to the request. 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 from the code. This case satisfies the test of unique physical conditions, consisting of a small, narrow lot, such that there is no reasonable possibility of developing the property in strict compliance with the code. I further find that the variance represents minimum relief. As noted, the

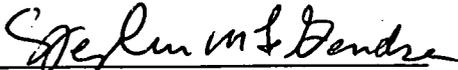
replacement porch is only one foot deeper than the existing porch and steps. The balance of the additional encroachment into the front yard results from the ramp which is necessary for wheelchair accessibility. There is nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of Henry & Ellen Thompson, petitioning for a variance to permit a porch addition and handicap ramp 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 22 day of November, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance in the amount of eight feet to the front setback to permit a screened porch and handicap ramp in accordance to 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:

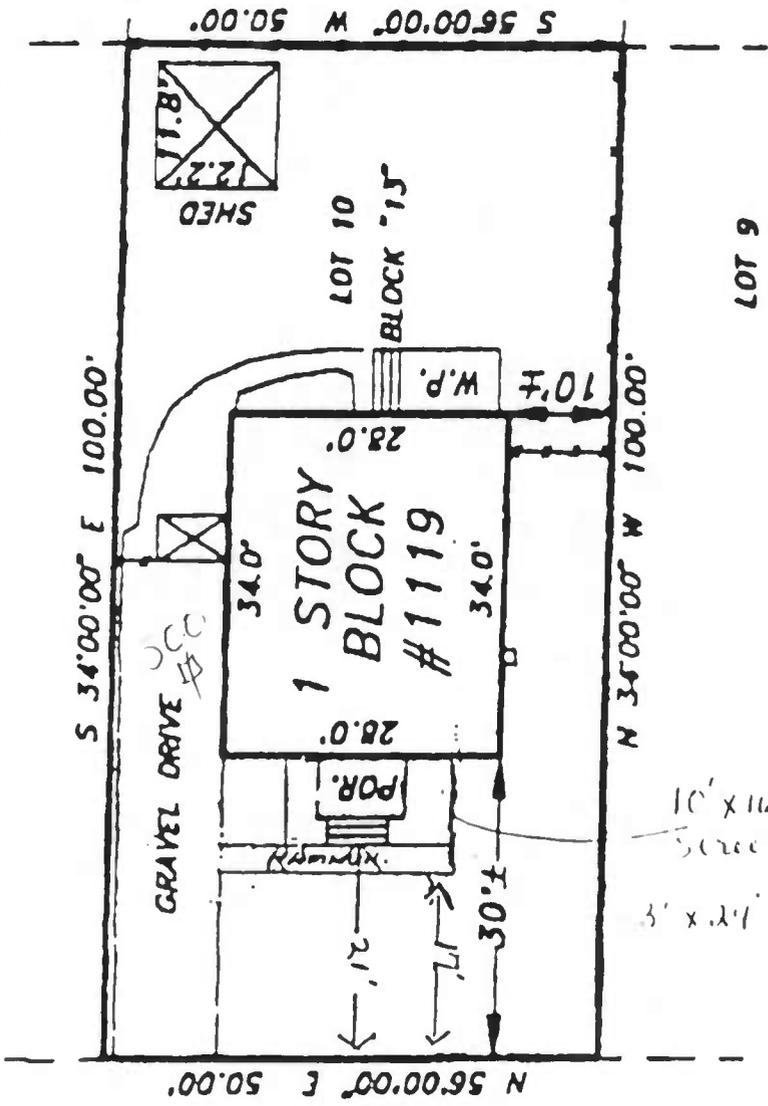
A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

LOT 4

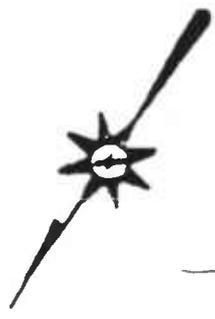
LOT 5

LOT 6



HARBOR WAY

EXISTING PORCH AND STEPS 9'x9'



132	φ	shed
952	φ	dwelling
500	φ	driveway
<hr/>		
1584		
160	φ	screen porch
<hr/>		
1744	φ	improvements

This is to inform all interested parties that we, the undersigned neighbors of The Thompson family, residing at 1119 Harbor way in Cape Ann, are aware of their plans to replace their existing porch and steps on the front of their house with a longer porch with a handicap ramp as depicted in drawing.

Steve Sternman
1117 Harbor Way
Churchton, MD 20733

Jimmie Zimmerman
1123 Harbor Way
Churchton, MD 20733

Ronald J. Quinn
1121 Harbor Way
Churchton, Md. 20733

Rayanne Kelly
1125 Harbor way
CHURCHTON MD 20733

John Phelps
1125 Harbor way
CHURCHTON, MD 20733

Pat Wade
1122 Harbor way
churchton, MD 20133

Jack Wade
1122 Harbor way
Churchton, Md.