

AA 564-00

Fox, Patrick

VAR

0379

MSA-S-1829-845

RC letter
10/27/00

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 27, 2000

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

RE: Variance 2000-0379-V, Patrick Fox

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure addition with less setbacks than required. The property is designated LDA and is currently developed with a house, garage and driveway.

Because no habitat protection areas will be impacted, this office has no comment on the setback variance. Vegetation removed in the course of construction should be replaced in kind.

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,

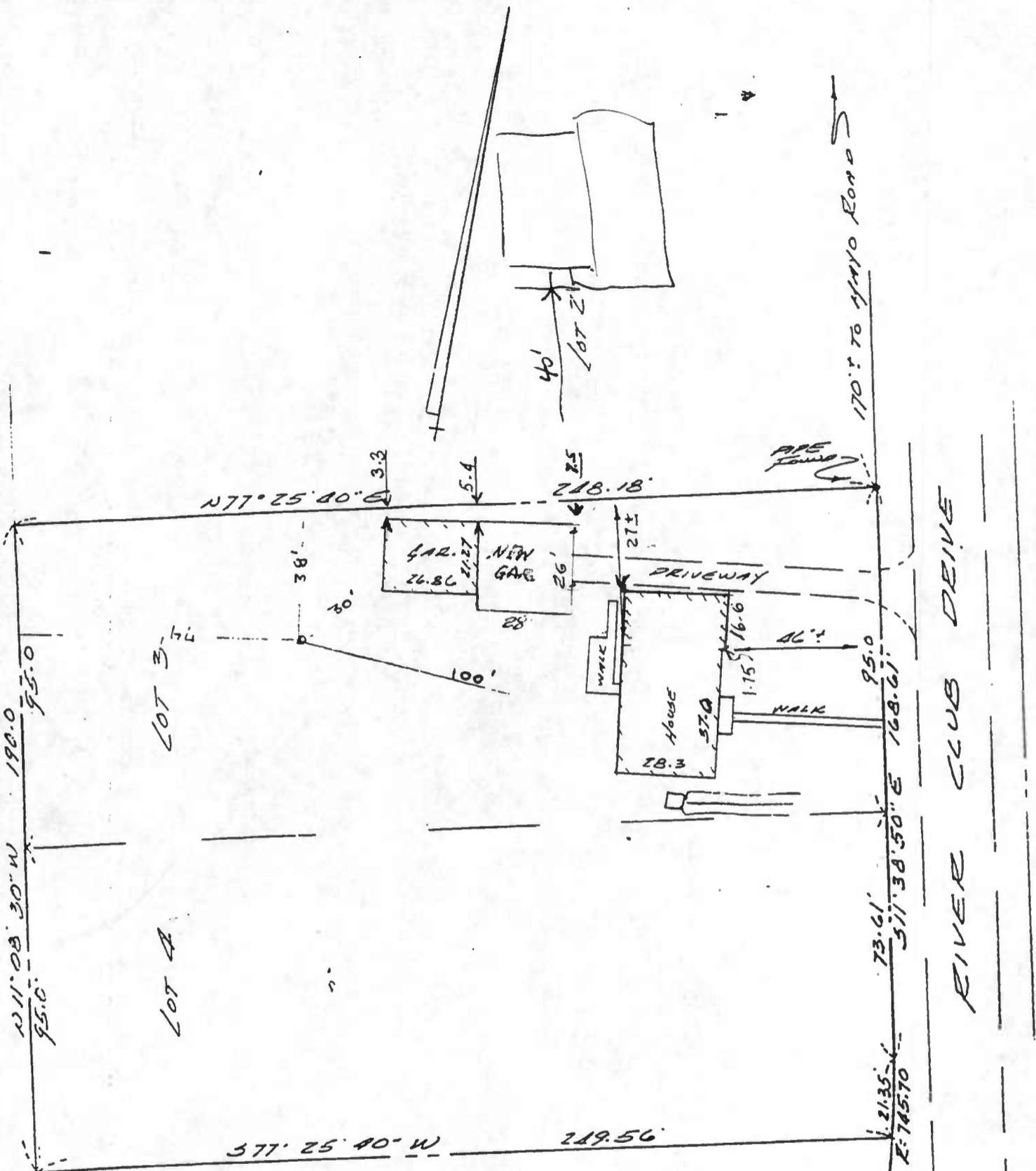
A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA564-00

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





This is to certify that the improvements indicated hereon are located as shown. This is not a property line survey.
John P. Little
 Registered Surveyor

HOUSE LOCATION
 LOTS 3 & 4
 RIVER CLUB ESTATES
 1ST DIST. H.A. CO. MD.
 JOHN DONALD BRUSSELL

J. R. McCrone, JR., INC.
 REGISTERED PROFESSIONAL ENGINEERS
 AND SURVEYORS
 ANNAPOLIS, MARYLAND
 PRINCE FREDERICK CHESTERTOWN
 TRAPPE LEONARDTOWN BOWIE

DRAWN BY *R*
 SCALE 1" = 40'
 DATE 6/16/78
 JOB NO. 1460608
 FOLDER *River Club Estates*

564-00

RECEIVED

DEC 7 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2000-0379-V

IN RE: PATRICK FOX

FIRST ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 30, 2000

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: SUZANNE DIFFENDERFER

DATE FILED: DECEMBER 1st, 2000

PLEADINGS

Patrick W. Fox, the applicant, seeks a variance (2000-0379-V) to permit accessory structure additions with less setbacks than required on property located along the west side of River Club Drive, south of Central Avenue, Edgewater.

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. Mr. Fox 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 applicant owns improved property with a street address of 3906 River Club Drive, in the River Club Estates subdivision, Edgewater. The property comprises 23,560 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The improvements consist of a single-family dwelling and a detached garage. The applicant proposes to add a story over the existing garage as well as a one story addition in front of the existing garage. The existing garage maintains three feet

from the north side property line. The one story addition will maintain five feet from the same property line.

The Anne Arundel County Code, Article 28, Section 2-507 requires accessory structures to maintain 10 feet from a side property line. Accordingly, the proposal necessitates a variance of seven feet.

Suzanne Diffenderfer, a zoning analyst with the Office of Planning and Zoning, testified that the site is comprised from two building lots (Lots 3 and 4). Although the property exceeds the minimum standards from the R-5 district, the improvements are wholly within the boundaries of Lot 3. Access to the proposed one story garage addition will be across the existing driveway. Given the location of the existing improvements, the witness supported the application.

Mr. Fox testified that the existing garage will be converted to a workshop on the ground level and storage above.¹ The one story garage addition will house his automobiles. The accessory structure will not be used for commercial purposes and it will not be habitable.

Michael Cecere and David Kasza, neighboring residents, testified in support of the application. There was no adverse public testimony.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. This case minimally satisfies the test of unique physical conditions, consisting of the placement of the improvements

¹There is little storage in the residence because it is built over a crawl space.

wholly on Lot 3, such that 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 second story addition over the existing garage maintains the same north side setback as the existing garage. The one story garage addition is slightly farther from the same property line. 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 conditions in the Order.²

ORDER

PURSUANT to the application of Patrick Fox, petitioning for a variance to permit accessory structure additions with less setbacks than required; and

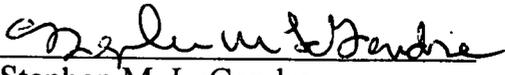
PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 1st day of December, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance of seven feet to the required 10-foot north side setback to permit garage additions in accordance with the site plan.

²The recommendation of the Chesapeake Bay Critical Area Commission that vegetation removed for construction shall be replaced in kind is included in the conditions.

The foregoing variance is subject to the following conditions:

1. Any vegetation that is removed shall be replaced in kind.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure is not habitable or eligible for conversion to habitable living space.


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.