

AA 170-05 Murray, Sandra
VAR 0038

MSA-S-1829-4596

Comments
4/2/65 JL

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 12, 2005

Ramona Plociennik
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0038-V Sandra Murray

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling addition (porch) within less setbacks than required. The property is designated a Limited Development Area (LDA). The property is currently developed with a single-family dwelling.

This office has no comment regarding the setback variance. Mitigation, at ratio of 1:1 for disturbance outside the Buffer, should be provided. Plantings, consisting of native trees and shrubs, should be accommodated on the site. Storm water runoff from the porch should be directed to a stable vegetated outfall to provide water quality benefits on the site.

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 "Julie V. LaBranche".

Julie V. LaBranche
Natural Resource Planner

AA 170-05 Murray

Sandra G. Murray
7714 Gunther Rd.
Glen Burnie, MD 21060

Letter of Explanation for Building Variance

This letter of explanation is for Sandra G. Murray located at 7714 Gunther Rd. in Glen Burnie. She is requesting a variance be granted to construct a 29'-6" x 12' one story sunroom on the side of her existing SFD. The room will be approximately 354 SF. The existing lot is a corner lot with minimum building space. The lot has a retaining wall on the left side with approximately 8' drop off that's not adequate building space. The existing SFD was positioned on the right side of the lot with left minimum building space on the lot. The proposed sunroom location is the most practical space and will be the least disturbance to the existing grade and home.

Critical Area Report

7714 Gunther Rd.
Glen Burnie, MD 21060

The existing area is a residential SFD. The proposed use is to add a residential sunroom to the side of the existing SFD. Approximately 3,500 SF of the site is covered with vegetation and the predominant trees are mature maples and oak trees. The proposed sunroom is 300 SF. There will be no trees or vegetation removed or disturbed for the construction of the proposed sunroom. The sunroom will be constructed on a pier foundation with nine 24"x24" pier footings to minimize grading and ground disturbances. There will a silt fence around the construction area to control any runoff. The existing impervious surface on the site is 1,643 SF and the proposed sunroom is 300 SF with a total of ~~1,943~~ SF of impervious surface on site.

354

1,997

170-05 ✓
RECEIVED

MAY 9 2005

CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2005-0038-V

IN RE: **SANDRA MURRAY**

THIRD ASSESSMENT DISTRICT

DATE HEARD: MAY 3, 2005

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

PLANNER: **SUZANNE SCHAPPERT**

DATE FILED: MAY 6th, 2005

PLEADINGS

Sandra Murray, the applicant, seeks a variance (2005-0038-V) to permit a dwelling addition with less setbacks than required on property located along the west side of Gunther Drive, north of South Shore Drive, Glen Burnie.

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 feet of the property was notified by mail, sent to the address furnished with the application. Ms. Murray 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 a single-family residence with a street address of 7714 Gunther Road, in the Silver Sands subdivision, Glen Burnie. The property comprises 10,500 square feet and is zoned R-2 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The request is to construct a sunroom addition (12 by 29 feet) to be located 13 feet from what is considered the front lot line.

Anne Arundel County Code, Article 28, Section 2-405(a) requires lots in the R-2 district to maintain a front setback in the amount of 30 feet. Accordingly, the proposal requires a variance of 17 feet to the front setback.

Suzanne Schappert, a planner with Office of Planning and Zoning, testified that the property is below the minimum area for the district and steeply sloped to the rear and west side. The addition is proposed on the flatter east side of the existing dwelling. The request does not exceed the allowed impervious coverage. There were no adverse agency comments.¹ The witness conceded a basis for relief but questioned the extent of the variance. By way of conclusion, she opposed the application.

Jeffrey Hoilman, a representative of the applicant's contractor, testified that the site conditions constrain further development of the property absent the requested variance. The witness indicated that the requested mitigation is unobjectionable. Finally, the addition would match the appearance of the existing dwelling and the roof height would be less than 11 feet.

Ms. Murray supplied site photographs and testified that the dwelling faces South Shore Drive, which is the continuation of Gunther Drive. The witness also indicated that there are dwellings on both South Shore Drive and North Shore Drive in close proximity to their front lot lines. There was no other testimony in the matter.

¹ The Chesapeake Bay Critical Area Commission requested mitigation on a 1:1 basis for disturbance outside the buffer.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. This property satisfies the test of unique physical conditions, consisting of its reduced area, steep topography and boundary on two roads, such that there is no reasonable possibility of development in strict conformance with the code. It is also noteworthy that although Gunther Drive is considered the front lot line, the dwelling faces South Shore Drive. I further find that the variance represents the minimum relief. This is a comparatively modest one-story addition. There was nothing to indicate 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 cause a detriment to the public welfare. In this regard, the addition is no closer to the rear lot line than the balance of the dwelling. And, there is adequate yard area toward South Shore Drive and an existing concrete drive along Gunther Drive. Finally, the uncontradicted testimony indicated that there are other dwellings that are nonconforming to their front setbacks in the immediate neighborhood. The approval is subject to the conditions in the Order.

ORDER

PURSUANT to the application of Sandra Murray, 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 6th day of May, 2005,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance of 17 feet to the front setback to permit a dwelling addition in accordance with the site plan.

The foregoing variance is subject to the following conditions:

1. No further expansion of the dwelling is allowed.
2. The applicant shall provide mitigation at a 1:1 ratio for disturbance outside the buffer with plantings onsite.
3. The addition shall not exceed a roof height of 11 feet.



Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty 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.

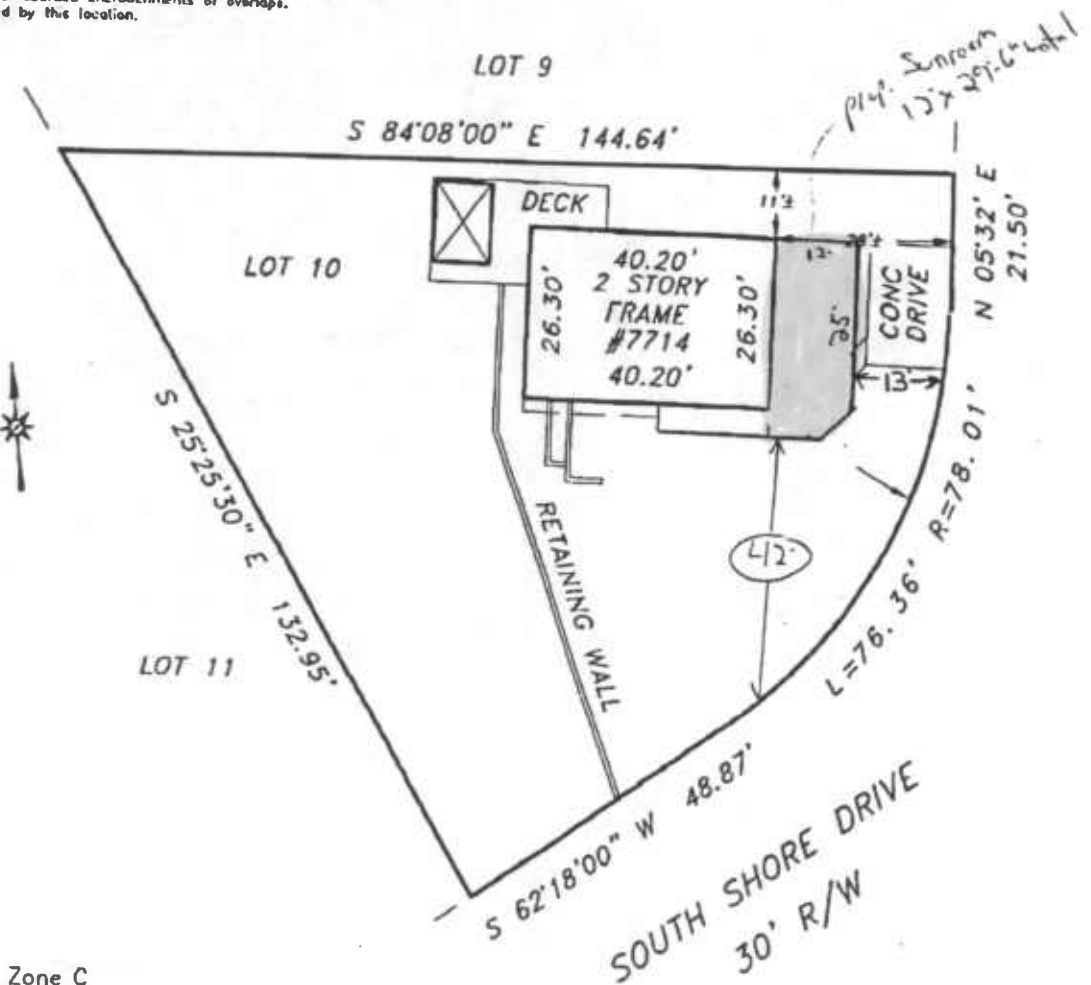
Further Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provision 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 that will be discarded.

#DR04059 Egolf

- NOTES:
- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
 - 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
 - 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
 - 4) Property markers NOT found, or guaranteed by this location.
 - 5) Setback distance accuracy: 1/2"



GUNTHER DRIVE

30' R/W

RECEIVED

MAR 14 2005

CRITICAL AREA COMMISSION

Subject property is shown in Zone C on the FIRM Map of Anne Arundel County Maryland on Community Panel 240008 0007 C .Effective May 2, 1983

This is to certify that I have surveyed the property shown hereon, being known as LOT 10 SECTION F LIN A PLAT ENTITLED "SILVER SANDS" and recorded among the land records of Anne Arundel County Maryland in Plat book 21 folio 36 for the purpose of locating the improvements thereon.

- This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- 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 for securing financing or refinancing.



J. Carl Hudgins PLS #96

LOCATION DRAWING

7714 GUNTHER ROAD

ANNE ARUNDEL COUNTY, MARYLAND

NTT Associates, Inc.

16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale: 1"= 30'
Date: 11-15-04
Field By: DAN
Drawn By: DAN
Drawing # DR04059