

AA 507-07
VAR

Sasser, Matthew
0248

S1829-6328

Comments

9-14-07 MS

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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/

September 14, 2007

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Sasser-VAR 248

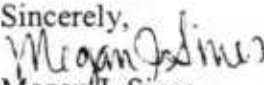
Dear Ms. Cotter:

This office has received the above-referenced variance request for review and comment. The applicant is seeking variances to build a dwelling addition with less setbacks than required and with greater impervious coverage than allowed. My comments are outlined below:

1. Since there appears to be no Critical Area issues regarding the setback variance we have no comment regarding that request.
2. This lot is limited to 31.25% impervious coverage. Given the considerable size of the addition along with the existing structures and driveway, we are unable to support the project as proposed with the planned impervious coverage of 36%. It appears the project could be made to comply by either removing a portion of the driveway and/or reducing the proposed size of the addition.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines

Natural Resources Planner

cc: AA 507-07

507-07

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2007-0248-V

MATTHEW SASSER

SECOND ASSESSMENT DISTRICT

DATE HEARD: SEPTEMBER 25, 2007

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

PLANNER: **JOHN FURY**

DATE FILED SEPTEMBER 26, 2007



PLEADINGS

Matthew Sasser, the applicant, seeks a variance (2007-0248-V) to allow a dwelling addition with less setbacks than required on property located along the south side of Joyce Drive, south of Whitney Drive, Crownsville.¹

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site 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. Mr. Sasser testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

The applicant owns a single-family residence with a street address of 1009 Joyce Drive, in the Sunrise Beach subdivision, Crownsville. The property comprises 11,680 square feet and is zoned R2 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The request is to

¹ Based on the application, the project also required a variance for excess impervious coverage. However, the applicant agreed to remove a portion of the existing driveway to stay within the allowance for impervious coverage.

construct an addition (22 by 32 feet) located eight feet from the corner side lot line (Whitney Drive).

Anne Arundel County Code, Article 18, Section 18-4-602 requires principal structures in the R2 district to maintain 20 feet from the corner side lot line. Accordingly, the proposal requires a variance of 12 feet.

John Fury, a planner with the Office of Planning and Zoning, testified that the property is below the minimum area and width for the district. However, he questioned whether the granting of the variance would alter the essential character of the neighborhood. The witness summarized the agency comments. The Department of Health requested plan approval. The Chesapeake Bay Critical Area Commission requested compliance with the impervious surfaces limitation.² By way of conclusion, Mr. Fury opposed the application.

Mr. Sasser testified that he grew up in this small house. He has installed landscaping along Whitney Drive. The property across Whitney Drive is improved with a two-car garage set approximately 15 feet from the boundary, and then a walkway leading to the dwelling.

Richard Myers, the applicant's contractor, testified that the addition would be constructed inside the existing fence line, which is offset from the paved section of Whitney Drive by a vegetative strip 15 feet wide.

There was no other testimony in the matter.

² Article 17, Section 17-8-402(b) restricts the coverage to 31.25 percent (3,650 square feet).

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to conditional relief from the code. This property satisfies the test of unique physical conditions, consisting of its reduced dimensions and the location of the dwelling, such that there is no reasonable possibility of development in strict conformance with the code. I further find that the variance represents the minimum relief. This is a comparatively modest dwelling. The addition is not overly large. I further find that the granting of the variance will not 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. These findings consider the fence line and the distance to the paved section of Whitney Drive. The approval is subject to the condition in the Order.

ORDER

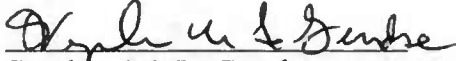
PURSUANT to the application of Matthew Sasser, petitioning for a variance to allow a dwelling addition with less setbacks than required, and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 28th day of September, 2007,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a variance of 12 feet to the corner side setback to allow a dwelling addition (22 by 32 feet) in accordance with the site plan.

The foregoing variance is subject to the following conditions:

1. The building permit is subject to the approval of the Department of Health.
2. Impervious coverage shall not exceed 3,650 square feet.

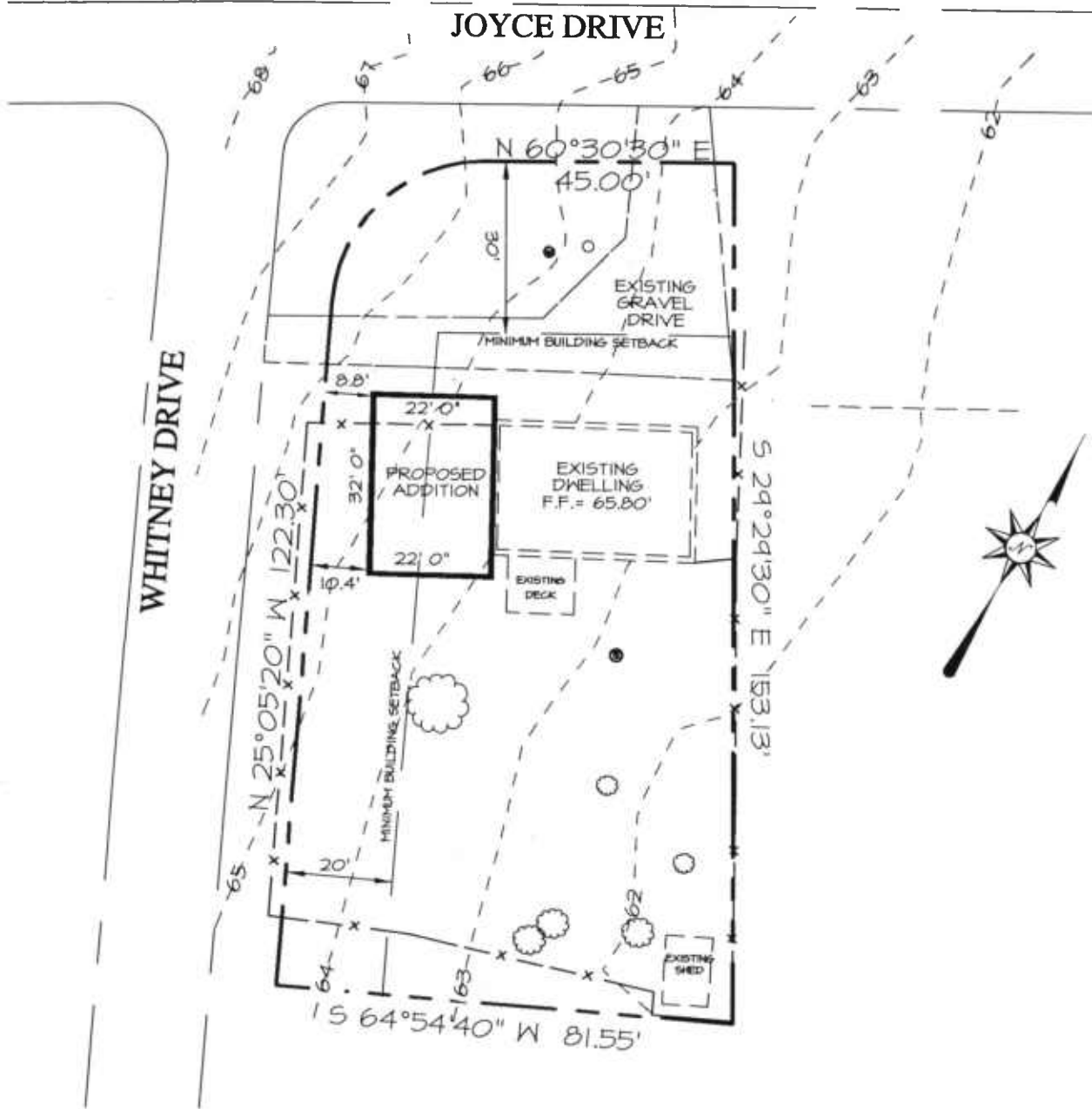

Stephen M. LeGendre
Administrative Hearing Officer

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 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within eighteen months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

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



OWNER

MATTHEW SASSER
1009 JOYCE DRIVE
CROWNSVILLE, MARYLAND 21032

ZONING R-2

FRONT: 30'
REAR: 25'
SIDE: 7'
CORNER: 20'

BAY STATE LAND SERVICES

ENGINEERS • SURVEYORS
LAND PLANNERS
ENVIRONMENTAL CONSULTANTS

P.O. BOX 853
BEL AIR, MARYLAND 21014-0853
PHONE: 410-879-4747-FAX: 410-420-3949



SITE PLAN
LOT 437
SUNRISE BEACH - SECTION 2
PLAT 1

1009 JOYCE DRIVE

THIRD ELECTION DISTRICT

Ann M. Anderson
HARFORD COUNTY, MARYLAND

SCALE: 1"=30'

DATE: 11-20-06

DRAWN BY: JBM

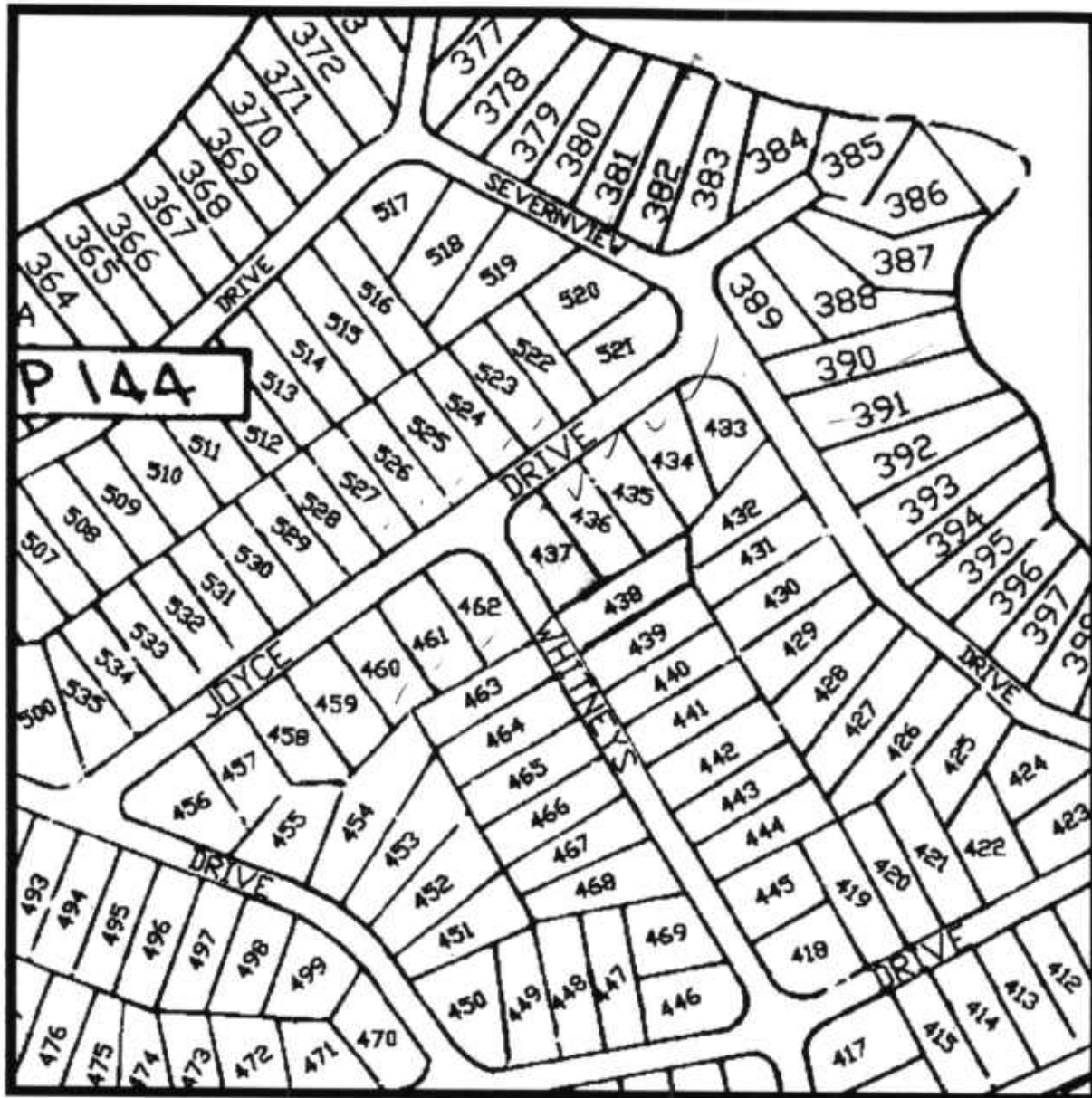
JOB NO.: 06171



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For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html

07-0248-V

ACE Drywall Services LLC
401 Market St
Suite 400
Aberdeen MD 21001

Ar 507-07

Anne Arundel County
Planning and Zoning
2664 Riva Rd
Annapolis MD 21401

June 10, 2007

RE: 1009 Joyce Dr.
Crownsville MD 21032

A variance for 1009 Joyce Dr. due to the fact that if none was granted, the requested addition to the current structure would only be permitted 15 feet in width.

The variance being requested is for an additional 7 feet, totaling 22 feet of width. If said construction was to initiate under the current zoning set forth, the homeowner would have unusable space created. In gaining an additional 7 feet, the width permits for usable space.

The additional footage does not bring the property to the road; there is an easement and green space will still exist.

The addition will fit in with the neighborhood, adding to appeal and value of the home and working within the current fence line.

Please feel free to contact me should you have any questions.

Thank you,



Richard B Myers, Jr.
ACE Drywall Service
401 Market St
Sulte 400
Aberdeen MD 21001

P. 410-297-6728

F. 410-297-6743

C. 443-324-4857