

## **REVISED RESIDENTIAL VARIANCE PETITION**

BA Case No. 25-003V, Brian Cadigan and Antoinette Dove, Petitioners

### **Variance Request**

#### **Type(s) of Variance(s): Residential District Variance Petition**

- 104.0.E.4.b.(4)(b) – 30 foot principal structure rear setback
- 104.0.E.4.b.(2) – 50 foot front setback

#### **Zoning Regulation Section Number:**

- 104.0.E.4.b.(4)(b)
- 104.0.E.4.b.(2)

#### **Describe the amount of variance requested:**

- A 26.08 foot reduction of the 30 foot principal structure rear setback.
- A 10.93 foot reduction of the 50 foot front setback.

#### **Reason for the variance request (Describe):**

- 104.0.E.4.b.(4)(b) to reduce the required 30 foot principal structure rear setback to 3.92 feet for the purpose of a pool enclosure.
- 104.0.E.4.b.(2) to reduce the required 50 foot front setback to 39.07 feet for the purpose of a detached garage addition.

### **Petitioner Information**

Name: Antoinette Dove and Brian Cadigan

Trading As: n/a

Address: 11350 Cotswold Spring Farm Lane, Ellicott City, MD, 21042

Phone: 410-913-1679

Email: soh@talkin-oh.com

Petitioner's Interest in the Property: Sole Owner

### **Representative Information**

Name: Sang Oh

Address: 5100 Dorsey Hall Drive, Ellicott City, MD, 21042

Phone: 410-964-0300

Email: soh@talkin-oh.com

Profession: Attorney



### **Property Information**

Property Address: 11350 Cotswold Spring Farm Lane, Ellicott City, MD, 21042

Total Site Area: 1.09 acres; Use Area (if different): n/a

Tax Map: 16; Grid: 21; Parcel: 441/23

County Council District: 5

Zoning District: RC-DEO

Subdivision Name: Brantwood; SDP #: n/a

**REVISED**

**Please provide a response to the following criteria:**

**That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these Regulations.**

- The Petitioners intend to construct a reasonably sized garage addition and pool enclosure for their existing in-ground pool, as depicted on the attached Variance Plan.

The attached Variance Plan illustrates the distances between the residential structure, the detached garage, and the pool. The breezeway connecting the residential structure to the detached garage exceeds the 15-foot maximum distance for another structure to be considered part of the principal residential structure. Consequently, the detached garage is classified as an accessory structure on the Subject Property. The swimming pool, located only 8 feet from the residential structure, is considered part of the principal residential structure because it will be connected to the proposed enclosed under-deck lounge by an open breezeway as shown on the attached schematic plan. However, the requested expansion of the principal dwelling to enclose the in-ground pool is subject to this setback, necessitating the current Variance Request.

The attached Variance Plan also illustrates the unique topography of the Subject Property. The Petitioner will present evidence to show that the Subject Property is the only lot in this area with a detached garage by reason of the primary flow of stormwater through this area. The topography in this area directs rainwater from the north and east to the south and west. Significantly, a major and natural outflow of water runs directly through the center of the Subject Property. Due to this unique topography, the most practical solution at the time of construction of the then-new principal structure was to design the residential structure on the Subject Property with a detached garage, perpendicular to the single family detached home, leaving a separation between the structures so as to not impede the natural flow of water. To accommodate this layout, the detached residential structure was positioned further back towards the rear of the property, away from the center of the Property and the stormwater flow, and the detached garage was constructed perpendicular to the residential structure and closer to the front setback, allowing rainwater to flow between them. This existing layout pushes the structures towards the front and rear setbacks and restricts the developable area, creating practical difficulties in strictly adhering to the identified bulk regulations.

**That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.**

- Granting the requested variances would not alter the essential character of the neighborhood, would not substantially impair the appropriate use and development of adjacent properties, and would not be detrimental to the public welfare. The requested garage addition is a reasonable size in relation to the residential structures in the area. The expansion of the principal dwelling to enclose the in-ground pool is lower in elevation and height than the front part of the principal dwelling and located away from adjoining residential structures.

**That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.**

- Petitioners did not create the practical difficulties requiring the requested variances. Petitioners did not subdivide the property, nor did they construct the residential structure. The topography of the lot is a unique condition inherent to the lot.

**That within the intent and purpose of these Regulations, the variance, if granted, is the minimum variance necessary to afford relief.**

- The proposed detached garage addition and pool enclosure are of a reasonable size, use, and purpose. The requested adjustments are the minimum necessary to afford relief, allowing for a viable and reasonable expansion of the existing garage and pool enclosure.

**That no variance be granted to the minimum criteria established in Section 131.0 for Conditional Uses except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131.0.**

- n/a