

**Cape St. Claire Improvement Association (CSCIA)
Building Code
(Revised January 11, 2016)**

**Requirements for Construction on
Residential Lots in Cape Saint Claire**

I. Requirements for Submission of Plans

1. The basis for these requirements are stated within Community Improvement Association Covenants in paragraph 2 of “Restrictions and Conditions Applying to Lots at Cape St. Claire” recorded among the Land Records of Anne Arundel County in Liber J.H.H., Liber 528, Folio 6. These restrictions will be referred to hereafter as the lot restrictions.
2. Paragraph 2 of the lot restrictions also state that no construction on homes, garages or other buildings, alterations or additions to the exterior of any buildings, fences or walls may be commenced until plans have been submitted to the Building and Planning Committee of the Cape St. Claire Improvement Association and its approval obtained in writing.

II. Approval Procedure and Provisions

1. A CSCIA Construction and Inspection Agreement in accordance with these requirements must be submitted and approved by the CSCIA. If approved by the CSCIA, it becomes a legal contract between the lot owner and the CSCIA. The properly completed Agreement, in addition to a set of required plans and other documentation must be submitted and approved by the CSCIA before any construction may occur in Cape Saint Claire. This documentation, plans, lot plats and views, and the CSCIA Construction and Inspection Agreement, will be referred to hereafter as the *Building Application*.
2. Building Applications are required for modification or additions which include but are not limited to the following – new residences, additions to existing residences, decks, screened in porches, fences, accessory structures, and pools. Replacement in kinds of exterior finishes, windows or doors does not require a Building Application. All questions regarding the requirements for submitting a Building Application should be directed to the CSCIA Building Committee Chairperson.
3. Building Applications should be mailed to the CSCIA Building Committee Chairperson, Cape St. Claire Improvement Association 1223 River Bay Road, Annapolis, Maryland 21409. Building Applications may also be personally delivered to the CSCIA administrative personnel during normal office hours at; 1223 River Bay Road, Annapolis, Maryland 21409. All applications must include one full size paper copy and a digital file of all drawings and specifications. Refer to the website for current digital requirements and delivery options. The Committee will normally act in two weeks on submitted Building Applications, and respond to the lot owner with its approval or disapproval. Lot owners, who have Building Applications approved, will be furnished an approval placard that must be displayed on the construction site while building is in progress. One set of plans or an excerpt selected by the Building Committee Chair, will be retained by the CSCIA for the record. At the conclusion of construction the owner shall provide a copy of the final inspection to the CSCIA to be attached to the record plans.
4. All properties in Cape St Claire are subject to codes and regulations of Anne Arundel County. In addition to obtaining the Committee’s approval for construction, all property owners must comply with the building laws, codes and regulations of Anne Arundel County.

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5. The property owner is responsible to the CSCIA as a member, and as per the lot restrictions on their property, to comply with all aspects of this Code, and to enter into the CSCIA Construction and Inspection Agreement with the CSCIA. An arrangement by a builder/architect to submit a Building Application to the CSCIA does not relieve the lot owner of his or her obligations. The owner must not let a builder begin any work until the owner has received approval from the CSCIA, and the approval placard to display at the construction site. It is the lot owner's responsibility to ensure that the final construction is as was submitted to the CSCIA in the Building Application approved. Any changes to the construction that deviate from any of the stipulations in this Code must be reported to the CSCIA immediately in writing for approval before such construction is begun.
6. Construction and grading must be completed within six months after construction has begun and started not later than six months after CSCIA approval has been granted. Construction must be complete in 12 months. Exceeding these time limits revokes the Construction and Inspection Agreement with the CSCIA, and permission to build from the CSCIA. The owner then must re-apply, and stipulate what remediation he or she is taking to ensure the work is complete in a revised timeline that must be approved by the CSCIA for construction to proceed.

III. Factors Affecting the Building and Planning Committee Decision

1. Cape St. Claire has long been an architecturally diverse community built on a wide range of lot shapes and sizes. In exercising its power of approval, the CSCIA's aim is to give each lot owner the widest latitude and freedom of action that is consistent with a proper regard to the interests of its neighbors and to preserve the character of the community.
2. Each house must meet the following standards:
 - a. It must be architecturally suitable to the site upon which it is proposed to be built;
 - b. It must be in harmony with adjacent and neighboring houses previously erected or under construction;
 - c. It must not tend to lower the character of the area, or result in the development of conditions conducive to accelerated obsolescence or a decline in property values of neighbors.
3. Homes of similar exterior appearance will not be approved if they are to be constructed on lots, any portion of which, are within 300 feet of each other. Factors considered in determining the difference between the exterior appearances of two homes of similar types are:
 - a. Basic dimensions and plan form;
 - b. Front elevation detail;
 - c. Type, location and number of windows;
 - d. Type, location and decorative trim of doors;
 - e. Type and color of siding;
 - f. Color, pitch and line of roof.

Based on these factors, the CSCIA Building Committee shall decide whether or not the proposed home has a similar exterior appearance to another home on a lot, any part of which is within 300 feet of the proposed building lot. Each of these factors shall evidence some difference in the exterior. No one factor or combination of factors shall necessarily constitute a

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home which is dissimilar in exterior appearance to another home, but all difference factors shall be weighted together.

IV. Drawings Required

1. The lot owner must submit, the complete working drawings and specifications from which the building is to be built and must include, as a minimum, the following:
 - a. Name, present address and phone number of the lot owner.
 - b. Name and address of general contractor.
 - c. A construction schedule compatible with the requirements of Section 2, paragraph 5.
 - d. A location plan identified by lot and plat number showing the north point, property lines, roads on which the property bounds, outline of the proposed building at its proposed location on the property, location of well, the setbacks of the building on all sides of the lot in question, distances from roadways, and outline of any existing building on the lot with proper notation as to whether it is to remain or be removed. It must show all easements, and have significant natural features identified. If the proposed building spans the available space between property boundary setbacks, a Boundary Survey should be submitted in lieu of a Location Drawing.
 - e. Building plans, including at least a foundation plan, roof plan, first floor plan and plan of each additional story in the proposed building, (minimum scale 1/8 inch – 1 foot). Plans MUST include the overall height of the building, excluding chimneys.
 - f. Elevations (views) of all four sides of the proposed building (minimum scale 1/8 inch – 1 foot). Approximate finished grade lines must show on each elevation as they pertain to the lot in question.
 - g. Overall height of the building, from average grade of the entire lot, to the highest most point in the structure excluding chimneys.
 - h. Typical wall section. (Minimum scale ½ inch – 1 foot.)
 - i. Complete specification giving quality and/or size of the materials and other pertinent information not shown on the drawings.
 - j. A topographical map of site, when required by the County.
2. All plans must be to scale and dimensioned. Any changes must be made in ink and initialed by the owner.

V. Setback Requirements for Principal Structure

1. Paragraph four of the lot restrictions in the Covenants requires a minimum setback of twenty-five (25) feet from the front boundary line, and there shall be a fifteen (15) feet setback from the rear boundary line and ten (10) feet from the side boundary lines. (If either side boundary line is along a road, the sideline setback must be fifteen (15) feet instead of the aforementioned ten (10) feet.)

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2. In addition to paragraph one, Lots on Plats B and C, Persimmon Point, are subject to the building restriction setback requirements for all lots shown on these plats.
3. Regardless of the minimums set forth above, the setback from the front property line must be as consistent as possible with those of neighboring homes.
4. Cantilevered fireplaces, steps, and stoops shall be permitted to infringe on the side setback a maximum of three (3) feet provided they occupy less than twenty-five (25) square feet of area. Cantilevered living spaces or "Bump-Outs" of the structure are not allowed to infringe on any setback.
5. Any structure less than three (3) feet in height above grade may infringe on the side and rear setback requirements.
6. For corner lots:
 - a. Corner lot owners may elect which roadway they choose to use as the "front" of their proposed dwelling. The building must be constructed such that :
 - b. The actual "front" of the proposed structure faces the selected roadway. It shall have the driveway, "front" door, and the architectural features of the "front" side of a residential building (single family home), when compared to the other three sides.
 - c. The street address must be on the roadway that the "front" of the building faces.
 - d. Any subsequent renovation or addition must use the same roadway as the "front" unless approved by the CSCIA.
 - e. Location of a driveway, and other features associated with the "front" of a non-corner lot on the adjacent roadway may be permitted.
7. Consistent with Anne Arundel County regulations, at all waterfront properties the waterfront side is defined as the front yard.

VI. General Minimums

1. Only one-family houses are permitted (As defined by Association covenant paragraph one of the lot restrictions).
2. All houses must have at least two (2) bedrooms, one bath, kitchen, dining and living area, and adequate closets and utilities, including county approved water and sewage facilities.
3. All houses must have a minimum of one thousand two hundred (1200) square feet of floor area finished as living accommodations (exclusive of cellars, garages, carports, porches, patios, etc.).
 - a. Colonials, Cape Codes, and other two story homes (home with both stories completely above ground level) must have at least eight hundred (800) of the required one thousand two hundred (1200) square feet of finished living space on the first floor. The remainder of the required one thousand two hundred (1200) square feet of finished living space must be on the second story.
 - b. Split-levels (normally homes with living space on three levels connected by interior split stairways) must have at least one thousand (1000) of the required one thousand two hundred (1200) square feet finished living space on the basic platform. In addition, the

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lower level of finished living space must have adequate exterior exposure, windows similar to those on the upper levels, and an appropriate exterior finish.

- c. Other multiple level homes (homes having two levels of finished living space, one below the other, with only partial exposure of the lower level above ground) must have at least one thousand (1000) of the required one thousand two hundred (1200) square feet of the finished living space on the basic platform. In addition, the lower level of finished living space must have adequate exterior exposure, windows similar to those on the upper level, and appropriate exterior finish and either a direct walk-in or split foyer type of entry.
 - d. Homes, whose construction differs markedly from rancher construction or the types of construction, mentioned above, will have to be considered on their individual merits until such time as they may be categorized and general requirements set forth.
4. Types of exterior finish: clapboard, shingle, brick, stone, or siding, is generally acceptable, depending on neighboring houses. Exterior finishes shall be compatible with community standards and approved by CSCIA.
 5. A principal structure may not exceed 35 feet in height from the average grade of the lot constructed on, to the highest point of the structure excluding chimneys.

VII. Grading

1. Section II requires that final grading be completed six months after the beginning of construction and Section IV requires that approximate grade lines must be shown on the elevation of the proposed home.
2. In addition to these requirements, the owner must insure that final grading is accomplished in such a way that drainage problems are not created on adjacent property or roadways.
3. At all times during clearing, grading, and construction of any improvements, adequate protections must be made to ensure that any and all eroded or distributed soil or other material does not leave the lot boundaries, except such soil and material removed to a county approved soil and/or dumping site. The measures used to effect this provision shall be the minimum necessary to be effective.
4. No trees shall be cut and no excavations shall be made on the premises except for building purposes and at the time when building operations are commenced and no earth or sand shall be removed from the premises except as part of such excavations.

VIII. Garages and Accessory Structures

1. "Accessory structure" meaning a permanent structure larger than 100 sq. feet such as a detached garage, "portable garage", shed or similar structure that customarily is incidental and subordinate to the principal use or principal structure on the same lot as the accessory structure.
2. A garage is an accessory structure with a door suitable for entry by a typical four door sedan.
3. Accessory structures may not contain any living spaces such as a kitchen, bathroom, bedroom, or finished rooms suitable for habitation. It may not contain a separate electrical service from the main structure, cooking facilities, or fresh or waste water plumbing.

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4. Detached garages and accessory structures must not extend beyond the front of the dwelling. They must set back at least ten (10) feet from side and ten (10) feet from rear property lines.
5. Detached garages must not exceed twenty (20) feet in height. Sheds or other accessory structures must not exceed fifteen (15) feet in height and have an elevated roofline. Structures less than 100 sq. feet shall be restricted to a ten (10) foot height limit.
6. The total square footage of all detached garages and accessory structures must not exceed the square footage of the ground level footprint of the principal structure.
7. Garages which are attached to, and an integral part of the principal structure, must meet all requirements of the principal structure.
8. Solar panels are permitted to be attached to the principal structure.

IX. *Temporary Structures*

1. Storage containers of a type normally used in industrial or commercial transportation operations shall not be construed as “buildings or sheds” and only be allowed on a temporary basis on the lot owners private property, not to exceed three months if unit is present in support of on-going construction or repair activities under a valid CSCIA Construction and Inspection Agreement.
2. Portable storage containers of a type normally used by self-store or moving operations shall not be construed as “buildings or sheds” and only be allowed on a temporary basis if: they are located on lot owners private property, used in conjunction with moving or self-storage operations, and present for no more than 30 days consecutive, and no more than 45 days in a 12 month period.
3. Dumpster and trash containers shall not be construed as “buildings or sheds” and only be allowed on a temporary basis if: they are located on the lot owners private property, and present for no more than 30 days consecutive, and no more than 45 days in a 12 month period; unless unit is present in support of on-going construction or repair activities under a CSCIA Construction and Inspection Agreement in which case it may be present for the agreement period if in active use.
4. Any other portable storage, prefabricated garages and sheds, or temporary structures of any sort are considered *Garages and Accessory Structures* under Section IV of this Code. They must meet all requirements of this Code, and have been granted an approved CSCIA Construction and Inspection Agreement prior to placement on the owner's property.

X. *Fences*

1. Fences must be located on or within the lot owner's property line. The “best side” of the fence must face out (i.e., toward the property line), with supporting posts on the inside of the fence.
2. Fences should be structurally sound; in harmony with existing surroundings; and must not tend to lower the character of the area.
3. Fences located in the front of the dwelling (adjacent to the road with respect to waterfront lots) may not exceed 48 inches in height. Other fences shall not exceed 72 inches in height.
4. Due consideration must be given to providing adjacent property owner sufficiently clear field of vision to enable safe vehicle egress from their property. Fences erected next to sidewalks must

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be set 2 feet back from sidewalk surface.

5. Fences erected adjacent to roadways must be:
 - Set back 3 feet minimum from the roadway surface for fences less than 48 inches
 - Set back 6 feet minimum from the roadway surface if over 48 inches.
 - Must not be located for a clear 15 foot radius from a roadway corner. A limited exception to 10 feet may be made for transparent (wire mesh or chain link type fence) fencing.
6. Kennels and animal runs must be setback twenty-five (25) feet from all property lines. They must be located to the rear of the main dwelling and no closer than fifty (50) feet from dwellings on adjacent properties.
7. Fences are required for protection around pools as per the Anne Arundel County Code.

XI. Variance Procedure

- I. Building Applications that do not meet the requirements in this Building Code, and when requested by the lot owners, may be considered by the CSCIA Board of Governors for the purpose of determining whether a variance should be issued.
- II. Variance will only be granted after the lot owner shows that practical difficulties or unnecessary hardships prevent carrying out the strict letter of the Building Code requirements, provided that the spirit of the Code shall be observed, public safety secured, and hardship or property depreciation is not incurred by neighbors. Variances may only be granted after determining:
 - a. That because of certain unique physical conditions, such as irregularity, narrowness, shallowness of lot size and shape, or exceptional topographical conditions peculiar to an inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with the requirements of the Building Code;
 - b. That because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship not caused by the lot owner and to enable the lot owner to develop such a lot;
 - c. That some temporary circumstance exists requiring deviation from the requirements of this code. Such relief, if granted, shall be temporary, and require owner remediation upon the expiration of a period of time or other condition set by the Board. In any case, owner remediation will be required upon transfer of ownership of the lot.
- III. A property owner may petition for a variance by submitting the Building Application, and an explanation of circumstances to the Chair of the Building Committee for consideration by the Board of Governors. The property owners will be notified of the date and time of the meeting when the application will be considered, so that they may be present if they wish.
- IV. The Chair of the Building Committee will present the application, and his/her opinion based on investigation and experience. The property owners will have an opportunity to state their case in person before the Board of Governors vote.

A variance may not be granted unless it is found by the Board of Governors:

- a. That the variance is the minimum variance necessary to afford relief;
- b. That the granting of the variance will not:

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1. Alter the essential character of the neighborhood in which the lot is located;
 2. Substantially impair the appropriate use or development of adjacent properties;
 3. Be detrimental to the public welfare; and
- a. The vote will be held in closed session. A written copy of the decision will be forwarded to the property owner and noted on the application.
5. The Cape St. Claire Improvement Association will not endorse any project that exceeds the maximum allowable lot coverage permitted under the Anne Arundel County Planning and Zoning Office regardless of the project's conformity to the Association's Building Code.

XII. Violations and Enforcement

1. The CSCIA will vigorously enforce lot restrictions, and the requirements of section I. This will include utilizing the Inspection rights granted in the Construction and Inspection Agreement. Any violation of that agreement will result in a lien on the property in question until matter is resolved, as well as any other legal remedies at CSCIA discretion.
2. The CSCIA will consider construction without a CSCIA Construction and Inspection Agreement, whenever discovered, to be a violation of the lot restrictions. The property owner will be given 30 days to obtain a valid CSCIA Construction and Inspection Agreement. If the construction does not meet the requirements of the Building Code, a Variance process under Chapter 3 of the Building Code will be initiated by the CSCIA Building Committee Chair. Upon completion of the Variance procedure by the Board of Governors their decision may:
 - a. Grant the property owner permission to build and/or finish what unauthorized construction that had been started without CSCIA approval.
 - b. Require the property owner to modify their unauthorized construction to meet requirements of this Building Code.
 - c. Require the property owners remove the unauthorized construction and return the lot to its pre-construction state.

In the case of non-compliance with the Board of Governors decision a lien on the property in question will be made until the matter is resolved, as well as any other legal remedies at CSCIA discretion.

3. Any Lot Owner with an unresolved Building Code violation will not be allowed any privileges of membership in the CSCIA. This will include, but is not limited to: clubhouse rental, boat slip rental, beaches and parks access and use.

XIII. Summary of Required Setbacks, Heights and Other Restrictions:

Principal Structure:

- 25 feet from the front boundary line.
- 15 feet from the rear boundary line.
- 10 feet from side boundary lines.
- 15 feet from side boundary line if either side is along a road.
- Cantilevered fireplaces, steps and stoops may be permitted to infringe on the **side** setback provided they occupy less than 25 SF of area.
- Shall not exceed 35 feet in height.

Detached Garage:

- 10 feet from side boundary line.

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- 10 feet from the rear boundary line.
- Shall not extend beyond the front of the principal structure.
- Shall not exceed 20 feet in height.

Sheds and other Accessory Structures 100 Square Feet or Larger:

- 10 feet from side boundary line.
- 10 feet from rear boundary line.
- Shall not extend beyond the front of the principal structure.
- Shall not exceed 15 feet in height.

Sheds and other Accessory Structures less than 100 Square Feet.:

- Shall not extend beyond the front of the principal structure.
- Shall not exceed 10 feet in height.

Fences:

- Front fences shall not exceed 48 inches in height. (Adjacent to the road with respect to waterfront lots.)
- Other fences shall not exceed 72 inches in height.

Fences erected adjacent to roadways:

- Set back 3 feet from the road surface for fences of 48 inches or less.
- Set back 6 feet from the road surface if fence is over 48 inches.

XIV. Appendix of Definitions

GRADE.

The finished ground level adjoining the building at all exterior walls.

GRADE PLANE.

A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building between the structure and a point 6 feet (1829 mm) from the building

HEIGHT BUILDING.

The vertical distance from *grade plane* to the average height of the highest roof surface.