

**FINDINGS AND RECOMMENDATION  
OFFICE OF PLANNING AND ZONING  
ANNE ARUNDEL COUNTY, MARYLAND**

**APPLICANT:** Milton Gray

**ASSESSMENT DISTRICT:** 4<sup>th</sup>

**CASE NUMBER:** 2022-0152-V

**COUNCILMANIC DISTRICT:** 2<sup>nd</sup>

**HEARING DATE:** November 29, 2022

**PREPARED BY:** Sara Anzelmo  
Planner II



**REQUEST**

The applicant is requesting a variance to allow an accessory structure (garage) with less setbacks than required and in the front yard of a nonwaterfront lot on property located at 8036 Clark Station Road in Severn.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 12,778 square feet of land and is located with 46 feet of frontage on the west side of Clark Station Road, approximately 140 feet south of Harvey Avenue. It is identified as Lot 4R of Parcel 327 in Block 24 on Tax Map 14.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 2, effective January 29, 2012. The lot is not waterfront and is not located within the Chesapeake Bay Critical Area. It is currently improved with a two-story single-family detached dwelling, a shed, and other associated facilities.

**PROPOSAL**

The applicant proposes to construct a 20' by 24' (480 square foot) garage with a 12-foot height.

**REQUESTED VARIANCES**

§ 18-2-204(b) of the Anne Arundel County Zoning Ordinance provides that an accessory structure may not be located in the front yard of a nonwaterfront lot. The proposed garage would be located between the house and Clark Station Road, necessitating a variance to this provision.

§ 18-4-701 of the Code provides that an accessory structure eight feet in height or greater in an R5 District shall be set back a minimum of seven feet from the side lot lines. The proposed garage would be located three feet from both the south and the southeast side lot lines, necessitating a variance of four feet.

**FINDINGS**

The subject property is irregular in shape. While the 12,778 square foot lot size far exceeds the minimum 7,000 square foot area requirement, the 46-foot wide lot does not meet the minimum 60-foot width requirement until the lot expands approximately 130 feet back from the road.

A review of the County 2022 aerial photograph shows that the subject lot is somewhat flag shaped. The largest and most useable portion of the property is located at the back of the lot and behind the existing houses located on Hawaii Avenue, Harvey Avenue, and Clark Station Road. Hence, the subject dwelling has been constructed in that area.

The applicant's letter explains that there is currently no covered parking at the property and that the proposed structure is a common size for a two-vehicle garage. Due to the unique shape of the lot, there is not enough room for the placement of a detached building behind the home. The applicant also notes that the garage would be masked by a 6-foot privacy fence on two sides and that the proposed three foot setback would still allow ample space for routine maintenance and lawn care between the building and the fence line.

The **Health Department** commented that the property is served by public water and sewer facilities. The Department has no objection to the request.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In the case of the subject property, it is clear that the unique shape and configuration of the lot would prevent the construction of a detached garage to the side or rear of the principal dwelling. As such, this Office supports the proposed variance to § 18-2-204(b). However, the applicant has not provided any justification to demonstrate that the garage could not be constructed in compliance with (or at least closer to) the minimum seven foot setback required from the south and southeast side lot lines.

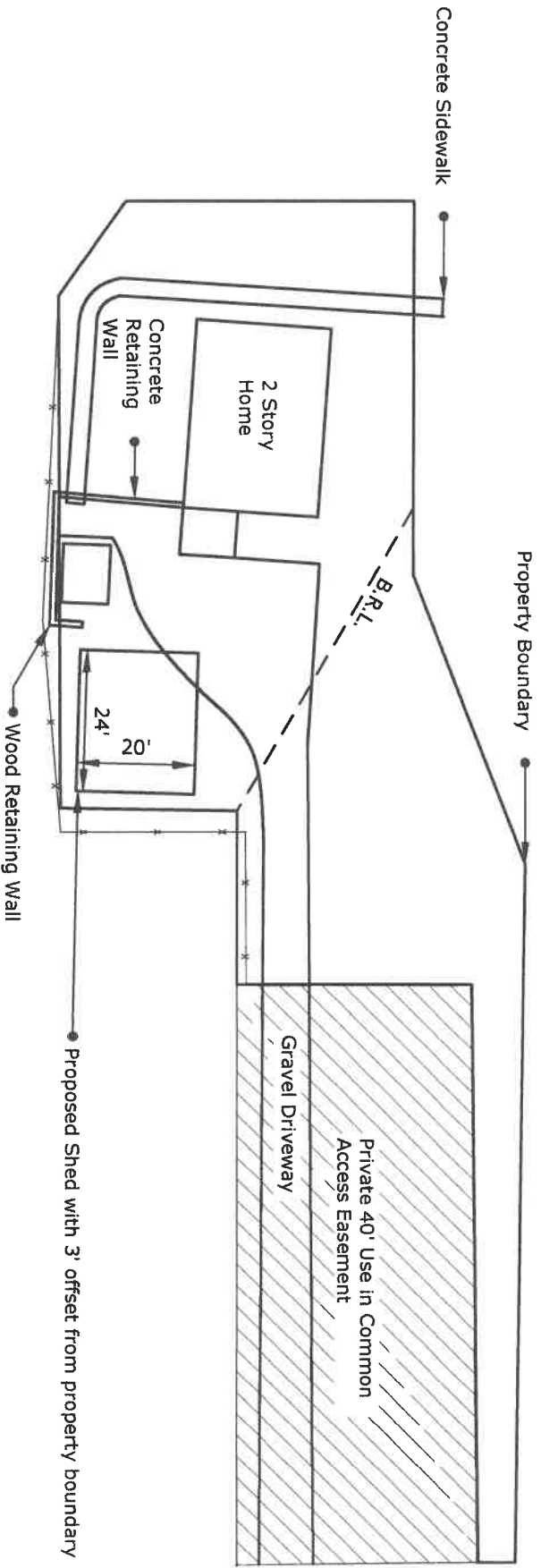
The variance would not necessarily alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, or be detrimental to the public welfare. However, while this Office does not have any specific objection to the proposed location, the application does not meet the test for a zoning setback variance. It appears that alternative options exist that would minimize or eliminate the need for a setback variance. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to § 18-2-204(b) to allow a 20' by 24' detached garage in the front yard of a nonwaterfront lot. However, this Office recommends ***denial*** of the proposed four-foot setback variance to § 18-4-701.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

**Site Plan**  
8036 Clark Station Rd  
Severn, MD 21144



Severn Landscaping	Scale: 1" = 30'
1321 Sleepy Hollow Rd	Date: 9/19/2022
Severn, MD 21144	
Phone: (443) 410-1263	
email:	
tmalone@severnlandscaping.com	



Office of Planning and Zoning  
2664 Riva Road  
Annapolis, MD 21401  
(410) 222-7450

**Justification Letter for Zoning Variance for:**

Milton Gray  
8036 Clark Station Rd  
Severn, MD 21144

Zoning District: R5  
Tax Account #: 400090085426

Dear Members of Anne Arundel County's Office of Planning & Zoning.

I am requesting a variance for the above address to seek relief of the requirements for 1) accessory structure set back and 2) accessory structure placement to allow for the construction of a 20' x 24' detached garage that is 12' in height. The support for this request is detailed below.

- 1. No Covered Parking Currently Exists.** The existing home was not originally constructed with a garage and does not currently have access to covered parking.
- 2. Reasonable Size of Structure.** The proposed detached building is a common size for a two vehicle garage, will be roughly half the height of all neighboring homes and allows for enough space between fencing and property lines to allow for routine maintenance. The proposed building is 480sqft, less than 5% of the total lot size.
- 3. Shape of Existing Lot.** The shape of the lot is unique and does not allow for placement of a detached building behind the existing home. The existing home is set back nearly 170' from Clark Station Road, but only 20' from the rear property line, preventing the building being placed toward the rear of the home. The proposed building will have a set back of over 120' from Clark Station Rd and will be masked by a 6' privacy fence on two sides. With a set back of 3' from existing property lines, there is still ample space for routine maintenance and lawn care between the building and the fence line.
- 4. No Detrimental Impact to Neighbors.** The granting of the variance would have no effect on any adjoining properties. The proposed location of the building will not be visible from Clark Station Road as it will be behind a two story home and similarly sized detached accessory structure located at an adjacent property. It will not block views or physical access on the property or adjacent properties.

I believe the requested variance is consistent with the spirit and purpose of the guidelines set forth by the Office of Planning and Zoning as the proposed detached garage will provide access to covered parking on the property, allows sufficient space for routine maintenance around the building and will blend with the existing structures on the property and adjacent ones.

Thank you for your thoughtful consideration.

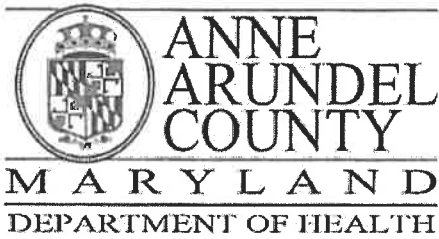
Sincerely,

Milton Gray

Signature:

A handwritten signature in cursive script, appearing to read "Milton Gray", written over a horizontal line.

Property Owner



J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahhealth.org

Nilesh Kalyanaraman, M.D., F.A.C.P.  
Health Officer

M E M O R A N D U M

TO: Sumner Handy, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*  
Bureau of Environmental Health *10/11/22*

DATE: 10/11/2022

RE: Milton L. Gray  
8036 Clark Station Rd.  
Severn, MD 21144

CASE  
NUMBER: 2022-0152-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow an accessory structure (garage) with less setbacks than required and in the front yard of a non-waterfront lot. The Health Department offers the following comments:

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Jasmine Baldwin at 410-222-1348.

cc: Sterling Seay



