

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

**APPLICANT:** Alexandra & Thomas Quinn

**ASSESSMENT DISTRICT:** 3<sup>rd</sup>

**CASE NUMBER:** 2024-0048-V

**COUNCILMANIC DISTRICT:** 3<sup>rd</sup>

**HEARING DATE:** May 14, 2024

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicants are requesting a variance to allow an accessory structure (garage) with less setbacks than required on property located at 8287 Choptank Road in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 18,500 +/- square feet of land and is located with 144 feet of frontage on the northeast side of Choptank Road, 0 feet northwest of Locust Road. It is identified as Lots 5 & 6 of Parcel 28 in Grid 5 on Tax Map 25 in the Green Gables subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. This waterfront site is located within the Chesapeake Bay Critical Area, is designated as LDA - Limited Development Area, and is mapped as a BMA - Buffer Modification Area. It is improved with a single-family dwelling, a pier, a shed, and the walls of a garage that was damaged by fire and is the subject of this application.

**PROPOSAL**

The applicants propose to construct attic storage and a new roof over the walls of a previously existing garage that was damaged by fire in February of 2023. The garage measures 23' by 42.1', and the proposed height would be 19'-5".

**REQUESTED VARIANCES**

§ 18-4-601 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater shall be set back a minimum of seven feet from each side lot line. The garage is 4'-11" from the east side lot line, necessitating a variance of three feet (rounded up).

**FINDINGS**

The subject property is irregular in shape and exceeds the minimum 80-foot lot width at the front building restriction line. However, the 18,500 square foot lot size is slightly smaller than the minimum 20,000 square foot area required for new lots not served by public sewer in an R2 District. The existing critical area lot coverage is 4,635 square feet, and the coverage would remain unchanged with this proposal.

The property was the subject of a prior variance application. Under case #2018-0136-V, approval was granted to allow a dwelling addition (porch) with less setbacks and buffer than required.

The applicants' letter explains that their garage was damaged by fire in February of 2023. The garage walls are in place, but the applicants seek to increase the roof pitch to match that of their house, maximizing their attic storage space above the garage. They contend that the increased roof pitch would be more aesthetically and architecturally appropriate for their community. The applicants also note that similar garages with attic storage exist on nearby waterfront properties.

The **Health Department** has reviewed the onsite sewage disposal and well water supply system for the subject property and has determined that the request would not adversely affect these systems. Therefore, the Department has no objection to the proposed variance. However, the Department advises that the proposed attic space must have a ceiling height no higher than 6'-11" and must be accessed via pull down stairs.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this case, practical difficulties exist in that the existing long-standing garage does not conform to the minimum required side setback. The applicants wish to make efficient and effective use of the existing garage structure that was damaged by fire by increasing the roof pitch to accommodate needed attic storage.

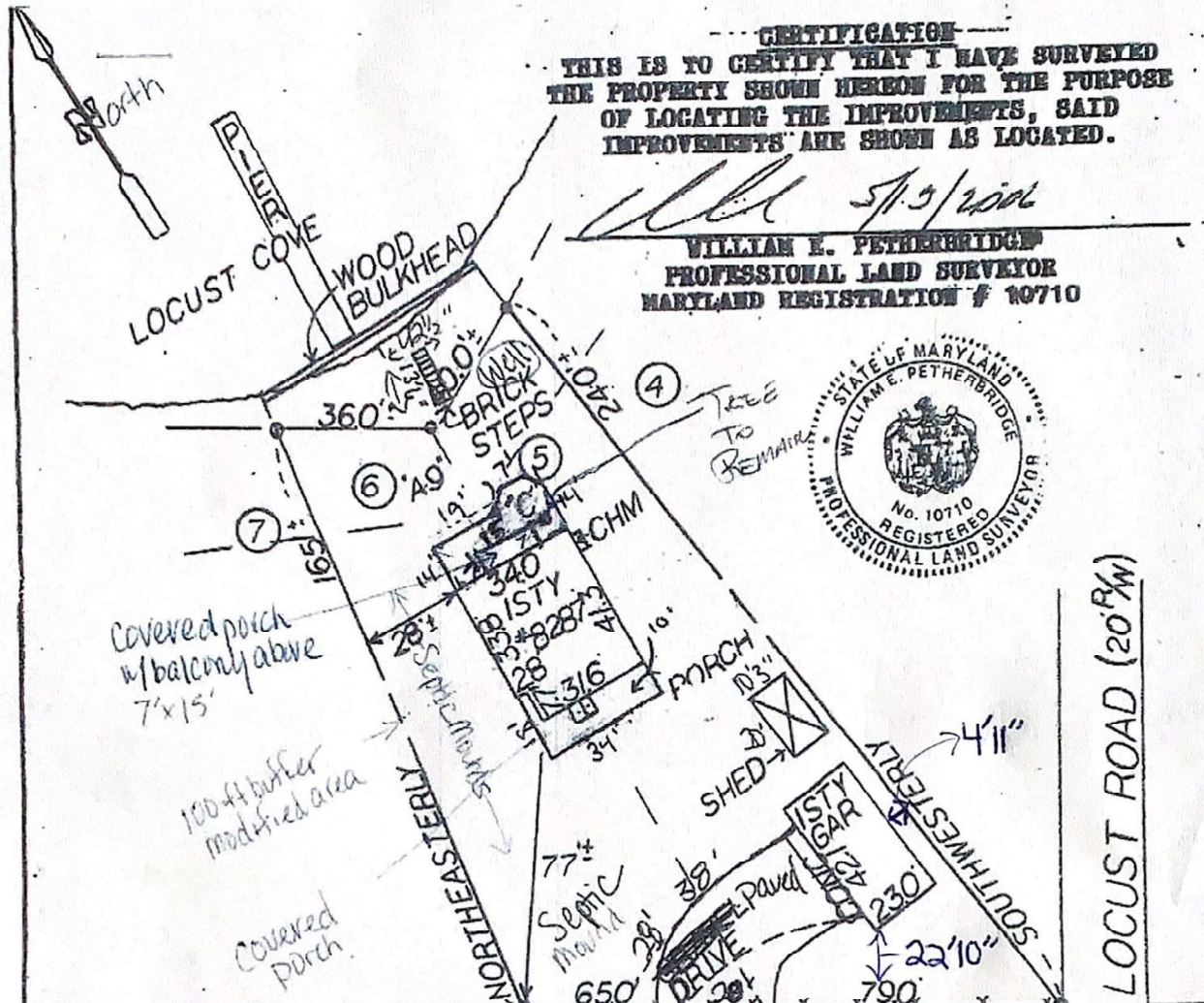
Approval of the variance would not alter the essential character of the neighborhood, as there are similar accessory structures located on nearby lots. The variance would not substantially impair the appropriate use or development of adjacent property; the garage walls would not be located any closer to the side lot line, and the increased roof pitch would have minimal visual impact. The variance would not be detrimental to the public welfare.

Given the fact that the garage roof was damaged by fire and needs to be replaced, the fact that the garage walls would remain in the same location as they currently exist, and the fact that the only reason that a variance is needed is for the increased roof pitch to accommodate needed attic storage, the requested variance is considered to be 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 the requested zoning variance.

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.



**CERTIFICATION**  
 THIS IS TO CERTIFY THAT I HAVE SURVEYED  
 THE PROPERTY SHOWN HEREON FOR THE PURPOSE  
 OF LOCATING THE IMPROVEMENTS, SAID  
 IMPROVEMENTS ARE SHOWN AS LOCATED.

*W.E.P.* 5/15/2006  
**WILLIAM E. PETERBRIDGE**  
 PROFESSIONAL LAND SURVEYOR  
 MARYLAND REGISTRATION # 10710



CASE NO. 08005829GLL-08CL  
 FILE NO. 060501

SOUTHEASTERLY 144.00'  
**CHOPTANK ROAD (40' R/W)** 8287 CHOPTANK ROAD

- NOTE:**
1. This plat is of benefit to a 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 re-financing.
  2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
  3. 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 securing financing or re-financing.

**NOTE: THIS SITE LIES WITHIN**  
 ZONE "A9" & "C" AS SHOWN ON  
 COMMUNITY PANEL NUMBER  
 240008 0015C  
 DATED  
 MAY 2, 1983

**NO TITLE REPORT PROVIDED**



**SEVERN SURVEYS**  
 Land Development; Land Planning  
 Land Surveying  
 SUN VALLEY BUSINESS CENTER  
 8009 JUMPERS HOLE ROAD - SUITE J  
 PASADENA, MARYLAND 21122  
 Phone: 410-780-9617

**LOCATION DRAWING**  
 LOTS 5 & 6, BLOCK "G"  
 GREEN GABLES-CROLE  
 PLAT BOOK 7, FOLIO 39

SCALE 1"=40' 05-16-2006  
 ANNE ARUNDEL COUNTY, MD.

[Updated 3/13/24]

Anne Arundel County  
Permit Center – Office of Planning and Zoning  
2664 Riva Road  
Annapolis, MD 21401

March 12, 2024

Permit Number: B02422549

Tax Account Number: 03-385-28118950

Property Address: 8287 Choptank Road  
Pasadena, Maryland 21122

Dear Planning, Zoning, and Health Department Folks,

We respectfully request a variance be granted for our Residential Building Permit Application No. B02422549 which will allow us to replace the roof on our existing garage which was damaged by fire in February 2023. Specifically, we ask for consideration and approval for the proposed garage setbacks (on damaged garage's existing footprint), proposed roof pitch (matching the pitch of our house) and attic ceiling height (maximizing storage space). Please note, the proposed work is outside and beyond the 100-foot buffered modified area of our property.

At the end of this letter are pictures of the proposed site which show the surviving garage walls and foundation, and where the proposed work will take place.

#### **Garage's Setback (footprint) and Roof Pitch (height)**

Zoning Review Comments from Vanessa Crankfield, Office of Planning and Zoning, on 1/30/24:

*"Comment: Your property is Zoned R2 which required an accessory structure to be 7 feet from the side lot line. During review of the building permit site plan it was found that the existing detached garage does not meet the required side yard setback for an accessory structure. The garage is only 5 feet from the east side lot line. Also, your proposed construction is not in-kind replacement of an existing structure.*

*Per Section 18-2-303 of the Zoning Code states that in kind replacement is exempt from the applicable bulk regulations if: (1) the original structure has been in the same location for at least twenty years; and (2) a building permit is obtained within eighteen months after the removal or destruction of the original structure. Per 17-1-101(57) "In-kind replacement" means the removal of a permanent structure and the construction of another permanent structure in the same location that is smaller than or identical to the original structure in use, footprint, area, height, width and length.*

*You are proposing to change the pitch of the roof of the existing garage. That being said, it will be required that you obtain a variance to the side yard setback requirement for the proposed construction."*

We ask that you please consider the following:

Our proposed garage renovation will be identical to the original structure in its primary use, footprint, area, width and length.

We ask that the garage's roof match the pitch on the roof of our house (12 over 12). The completed garage will remain shorter than the main house. It will not block the view of our neighbors. And the new pitch will afford us more storage space in its attic. Our intent is to have the garage be more aesthetically and architecturally appropriate for our house while giving us more storage. As our plans indicate, it will have a pull-down ladder for access.

The garage walls survived the fire, so we ask that the garage stay on its exact same footprint. The garage was on our property at the time we purchased it in 2006. Unfortunately, it appears prior owners built it two (2) feet too close to the side lot. The cost and land disturbance associated with moving the garage's footprint/slab over by just two (2) feet seems unnecessarily destructive.

We believe our request is in accordance with § 18-16-305 Variances, (a) (2), as we believe "the grant[ing] of [our] variance is necessary to avoid practical difficulties ... to enable [us] to develop the lot."

### **Garage's Attic Ceiling (Height)**

Septic Review comments from Eric Olmscheid, Health Department, on 1/23/24:

*"Comment: The proposed storage space above the garage is considered as living space since the ceiling height is greater than 6'11". Portions of the house not counted towards the total living space are patios, decks, open porches, carports, and uninhabitable attics. (2012 AACO Sewage Disposal Code 1600.6.1) An attic is not counted towards living space if the maximum engineered ceiling height is 6'11" or less. The attic access shall be limited to a hatch or pull down stairs from below (2012 IRC R807.1 and R301.6g)."*

We ask that you please consider the following:

Description of our property: We live on Wharf Creek in Pasadena, a quiet waterway which feeds into Bodkin Creek. We live in the quiet community of Green Gables. We purchased our house back in 2005. We live 'at the end of the road', so to speak, in that we're within the last three (3) miles of Mountain Road's approach to the Chesapeake Bay. We're lucky to live where we do, surrounded by great neighbors. Our lot size is 18,500 sq. ft. Our garage is positioned approximately 180 feet from the water, bulk head to be specific. We live in the critical area in what we are told is called "LDA Buffer Modified".

In accordance with Zoning Code Section 18-16-305, by allowing us to rebuild the garage on the exact same footprint as the original garage that was damaged, your approval of our request would help, we believe, "avoid practical difficulties" and avoid "unnecessary hardship". Otherwise, we'd have to disturb a significantly larger amount of land in order to move the garage's surviving walls (which thankfully survived the fire) and slab by only two feet, as well as force us to destroy our existing driveway in order to shift it over, as well.

There will be zero change in the impervious area for which we are requesting this variance. The proposed garage replacement will stand at the exact spot as the original garage prior to the fire.

The proposed attic will have pull down ladder for accessing it. There will be no stairs for its access. Really just looking to maximize the amount of space we can use in the attic.

The proposed garage roof replacement is very much in keeping with the character of the houses in our neighborhood and nearby waterfront communities. You will see in the pictures included below that our neighbors all have similar garages, some considerably larger and taller than what we're proposing. Our proposed garage roof replacement will fit in both aesthetically and proportionately for our waterfront community and neighbors.

Our proposed garage roof replacement will not impact the neighbors' water view. Included below are pictures illustrating this, taken from various angles.

No plants or trees will be removed, and we will gladly plant more as instructed by your offices should the need be determined.

Our proposed design creates the least amount of disturbed area. We are making the effort to consolidate all disturbances into one combined area, and keeping the disturbed area outside and beyond the 100-foot buffer.

This variance application is not as a result of a stop work order. We have not begun any work on this project at all – although we’d absolutely love to. We’re waiting to begin the project until we have all the approvals we need.

This proposed garage roof replacement, we believe, will not negatively impact the creek on which we are located or bog or compromise any natural area. As the Zoning Code requires, our proposed garage roof replacement “will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County’s critical area or a bog protection area and will be in harmony with the general spirit and intent of the County’s critical area program or bog protection program.” Again, as stated above, the proposed work is outside and beyond the 100-foot buffered modified area of our property.

Our proposed garage roof replacement will allow us to enjoy the same space our neighbors were allowed to build. Others in our waterfront community have exactly what we are proposing: garage with attic space above. We’re simply asking to make small modifications to the original design in order for the garage to look more like it belongs with our house and in our community.

Our proposed garage roof replacement will not confer on us any special privilege that would be denied by COMAR, Title 27, the County’s critical area program to other lands or structures within the County critical area, or the County’s bog protection program to other lands or structures within a bog protection area.

This variance application is the minimum variance necessary “to afford [our] relief”. Granting this variance will not “alter the essential character of the neighborhood or district in which the lot is located”; will not “impair the use or development of adjacent property”; will not “reduce forest cover in the limited development and resource conservation areas of the critical area”; will not “be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area”; and will not “be detrimental to the public welfare”.

Final thoughts: Don’t learn our lesson - lithium batteries are dangerous when they fail. They are the reason our original garage burned down last year. It was never our intention of even going through this process much less having to rebuild our garage after losing everything that we had in it. The silver lining will always remain that no one – not our family nor our neighbors – got hurt. We just want to turn this bad experience into something positive by rebuilding the garage a little nicer than it was and maximize the storage area for our family. That’s it.

We would love to be done with the eye sore with which the fire last year left us. We kindly ask that you consider our request as soon as possible. Should you have any questions at all or need any additional information, please do not hesitate to contact us. We’re excited to put this behind us.

Thanking you very much in advance for all your time and help!

Respectfully,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'THQ'. The signature on the right is a more formal, cursive signature that reads 'Alexandra MB Quinn'.

Alexandra and Thomas Quinn  
Property Owners  
8287 Choptank Road  
Pasadena, MD 21122  
Tom’s cell: 425-922-6114, TomHQuinn@yahoo.com  
Alexandra’s cell: 443-433-6578, AlexandraMBQuinn@gmail.com









CRITICAL AREA COMMISSION  
 CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction:

Date: 3/12/24

Tax Map #	Parcel #	Block #	Lot #	Section
<u>25</u>	<u>28</u>	<u>45</u>	<u>5 &amp; 6</u>	

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
General Project Information

Tax ID: 03-385-28118950

Project Name (site name, subdivision name, or other) Quinn Residence Garage Fire Rebuild

Project location/Address 8287 Choptank Road

City Pasadena Zip 21122

Local case number Residential Permit Application B02422549/24TMP-020778

Applicant: Last name Quinn First name Tom & Alexandra

Company N/A

**Application Type (check all that apply):**

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

**Local Jurisdiction Contact Information:**

Last name \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site: <sup>existing</sup>

Replace roof on garage severely damaged in a fire.

Intra-Family Transfer  Yes  
 Grandfathered Lot

Growth Allocation  Yes  
 Buffer Exemption Area   
 LDA Buffer Exempt

**Project Type (check all that apply)**

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft
IDA Area		
LDA Area		18,500
RCA Area		
Total Area		18,500

Total Disturbed Area 

Acres	
Sq Ft	258

# of Lots Created

Acres		Sq Ft		Acres		Sq Ft	
Existing Forest/Woodland/Trees		—		Existing Lot Coverage		4,635	
Created Forest/Woodland/Trees		—		New Lot Coverage		—	
Removed Forest/Woodland/Trees		—		Removed Lot Coverage		—	
				Total Lot Coverage		4,635	

**VARIANCE INFORMATION (Check all that apply)**

Acres		Sq Ft		Acres		Sq Ft	
Buffer Disturbance				Buffer Forest Clearing			
Non-Buffer Disturbance				Mitigation			

Variance Type  
 Buffer  Modified area  
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

Structure  
 Acc. Structure Addition   
 Barn   
 Deck   
 Dwelling   
 Dwelling Addition   
 Garage   
 Gazebo   
 Patio   
 Pool   
 Shed   
 Other

## Critical Area Report Narrative

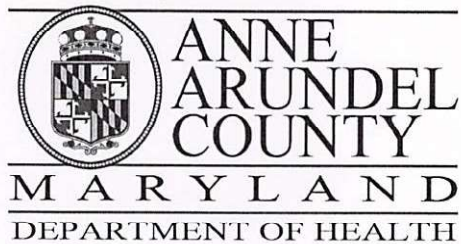
Variance 24TMP-020778

Permit Number: B02422549

Tax Account Number: 03-385-28118950

Property Address: 8287 Choptank Road, Pasadena, MD 21122

The proposed project is to repair our home's (residential) existing garage which was damaged by a substantial fire last year. The garage will continue to be used to store our vehicles and personal effects in its newly-repaired roof with an attic. We're asking to change the pitch of the roof in order for it to match our home on the property, and to give us storage in its attic. Approximately 3,300 square feet (or 18%) of our property are planted with trees, shrubs, and perennials: oak, leland cypresses, river birch, magnolias, crape myrtles, hydrangeas, azaleas, lilacs, privets and camellias among others. The work to replace the garage's burned roof primarily will take place on its existing foundation which thankfully was not damaged in the fire, and which is located at the end of our existing driveway. We expect very minimal environmental disturbance as we estimate no more than 258 square feet around the perimeter of the garage will be disturbed by construction in its roof replacement. There will be zero change in the impervious surfaces on our property as the garage will be rebuilt on its existing footprint. There are no habitat protection areas on our property. There is no slope at the site of the garage. We have no plans to remove any trees, shrubs or perennials during this project. In fact, we look forward to planting more once the work is completed in order to bring life back to the destruction caused by the fire. [It was determined by the AACo Fire Department that the fire was caused by lithium batteries. Don't learn our lesson: never charge them unsupervised.]



J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7193 Fax: 410-222-7479  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
Health Officer

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager  
Sanitary Engineering Program *BC*

DATE: March 25, 2024

CASE  
NUMBER: 2024-0048-V  
Thomas H. Quinn  
8287 Choptank Road  
Pasadena, MD 21122

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow an accessory structure (garage) with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the onsite sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well supply water systems. The Health Department has no objection to the above referenced request. The proposed attic space must have a ceiling height no higher than 6' and 11" and accessed via pull down stairs.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay



CHOPTANK RD

LOCUST RD

LOCUST RD