

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

**APPLICANT:** Robert & Susan Page

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

**CASE NUMBER:** 2024-0071-V

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

**HEARING DATE:** July 18, 2024

**PREPARED BY:** Robert Konowal  
Planner

**REQUEST**

The applicants are requesting a variance to allow an accessory structure with less setbacks than required at the property known as 1528 Park Lane in subdivision of Lake Shore Park, Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has 70 feet of road frontage on the northwest side of Park Lane, 1050 feet northwest of Bodkin Avenue. These lands have an area of 25,800 square feet. The site is shown as Lot 14R in Parcel 77 on Tax Map 18, Grid 20 and is zoned "R1-Residential District". The current zoning was adopted by the Comprehensive zoning for the Third Council District January 29, 2012. The property is a waterfront lot located in the Chesapeake Bay Critical Area and is designated LDA-Limited Development Area. The shore line is located in a buffer modification area.

The site is currently improved with a two-story single family detached dwelling. An inground pool is located in the southwest side yard. There are two accessory structures located in the rear yard. A garage measuring 24 feet by 24 feet is located approximately 7 feet from the side northeast side lot line. The second structure, which is composed of three sheds that have been connected over the years, measures approximately 15 feet in width and 43 feet in length and is located 0 feet from the northeast side lot line. Finally, a pier and boathouse are located off the shoreline.<sup>1</sup>

**APPLICANT'S PROPOSAL**

The applicant proposes to remove the existing 15-foot by 43-foot shed structure and construct a 20-foot wide by 40-foot long garage in its place. The new garage will be 18 feet in height.

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<sup>1</sup> A boathouse is not an allowed use under the current zoning. There is no record of the existing boathouse being registered as an allowed nonconforming use.

## **REQUESTED VARIANCES**

Section 18-4-501. of the Anne Arundel County Zoning Ordinance requires that in a R1 District an accessory structure be located a minimum of 15 feet from a side lot line whereas the applicant is proposing that the accessory structure be located three feet from the side lot line necessitating a variance of 12 feet.

## **FINDINGS**

The property has been the subject of two previous variance cases; Case 2005-0127-V for a deck with less setbacks and buffer and Case 2006-0064-V for mooring pilings with less setbacks than required. Both cases were approved.

For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot.

The subject site at 70 feet in width and 25,800 square feet in area is undersized for a lot in a R1 District as it does not meet the minimum lot area of 40,000 square feet and lot width of 120 feet.<sup>2</sup> The agent for the applicant has indicated that the new garage cannot be built elsewhere on this lot, as the lot is rather narrow (70' wide) and to place it at the 15' setback line would dramatically impact the existing driveway, the trees on the lot and the established landscape. As indicated by the agent for the applicant, the substandard lot width along with the location of the existing trees and driveway do create a practical difficulty in complying with the Code.

Notwithstanding the fact that this new garage replaces a series of older sheds, the applicant already has the use of an existing 24-foot by 24-foot garage. The proposed garage at 20 feet in depth which is a typical garage depth is not considered excessive. However the length of the garage at 40 feet is considered to be excessive and is not considered to be the minimum necessary to afford relief.

Approval of the variance will alter the essential character of the neighborhood as a 40 foot long garage is not necessarily a common feature in the neighborhood. There is not evidence the granting of the variance will substantially impair the appropriate use or development of any adjacent property.

Finally, the request will not reduce forest cover in the Limited Development and Resource Conservation Areas of the Critical Area, be contrary to acceptable clearing and replanting practices in the Critical Area nor be detrimental to the public welfare.

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<sup>2</sup> The current improvements on-site exceed the allowable lot coverage by some 618 square feet which will require an overall lot coverage reduction of 62 square feet to accommodate the proposed reconfiguration of lot coverage.

The **Anne Arundel County Health Department** advised the Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property and determined that the proposed request does not adversely affect those systems. The Health Department has no objection to the request but we will need to request a setback variance to the sewage disposal systems.

### **RECOMMENDATION**

With regard to the standards by which a variance may be granted as set forth under Section 18-16-305 under the County Zoning Ordinance, the Office of Planning and Zoning recommends the requested variance of 12 feet to the 15-foot side lot line setback for an accessory structure be **denied** as shown on the attached site plan.

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.