

APP. EXHIBIT# 1  
CASE: 2024-0208-V  
DATE: 2/6/25

Sign posted at the water Saturday January 18, 2025:







# NOTICE

AN APPLICATION HAS BEEN FILED FOR VARIANCE TO ALLOW A DWELLING AND ASSOCIATED FACILITIES WITH LESS SETBACKS THAN REQUIRED, DISTURBANCE TO SLOPES OF 15% OR GREATER AND WITH NEW LOT COVERAGE NEARER TO THE SHORELINE THAN THE PRINCIPAL STRUCTURE, AND TO ALLOW AN ACCESSORY STRUCTURE (2 STORY GARAGE WITH ADA) WITH LESS SETBACKS THAN REQUIRED.

LOCATION: 202 BAY HARBOR ROAD, PASADENA

CASE NO. 2024-0028-2

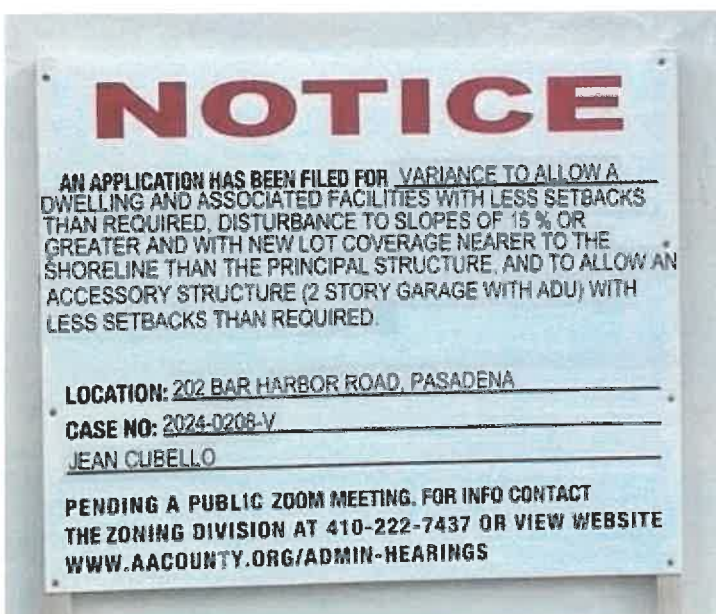
JEAN CUBELLO

PENDING A PUBLIC ZOOM MEETING. FOR INFO CONTACT THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE [WWW.AACOUNTY.ORG/ADMIN-HEARINGS](http://WWW.AACOUNTY.ORG/ADMIN-HEARINGS)

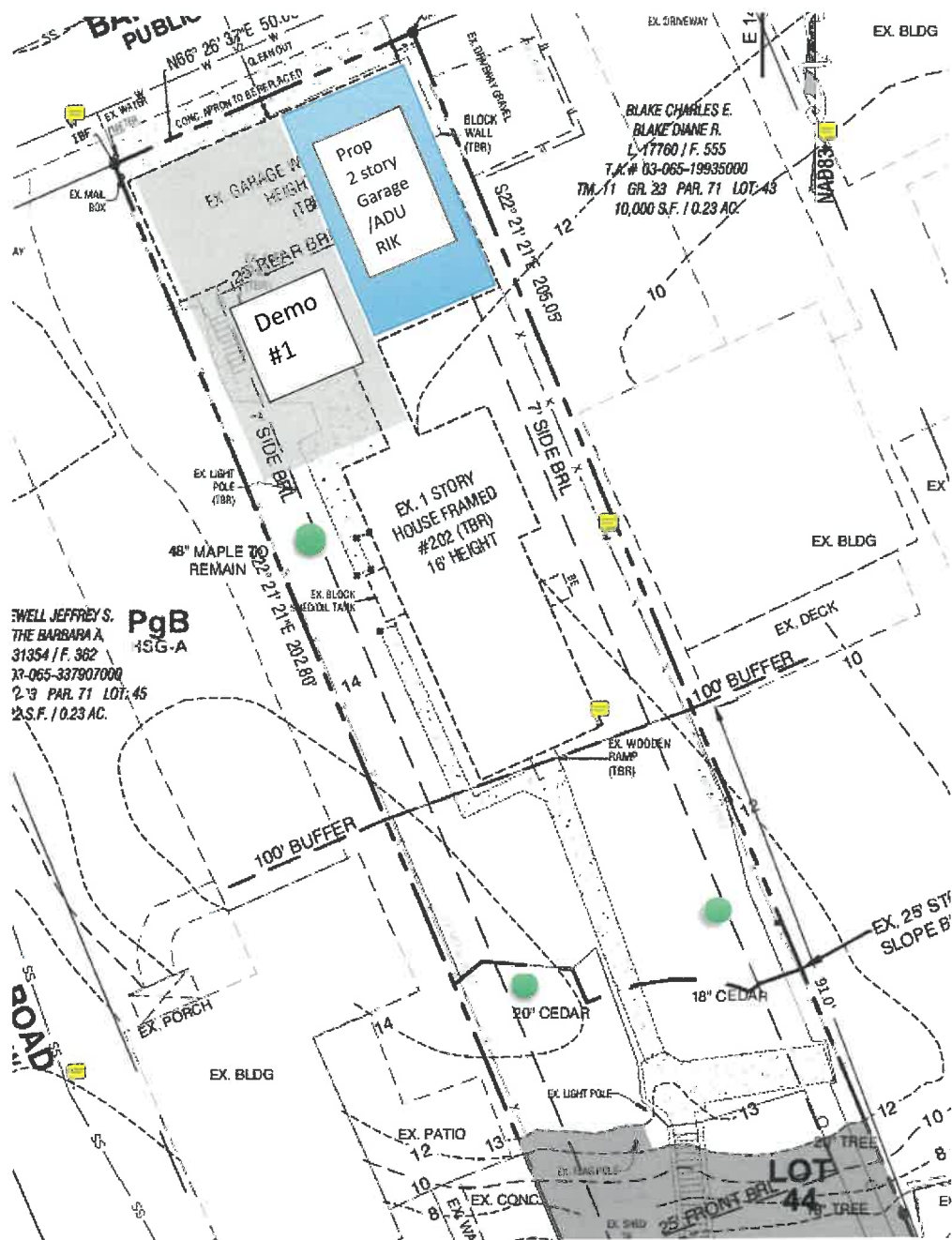


Sign posted at the street Monday January 20, 2025:

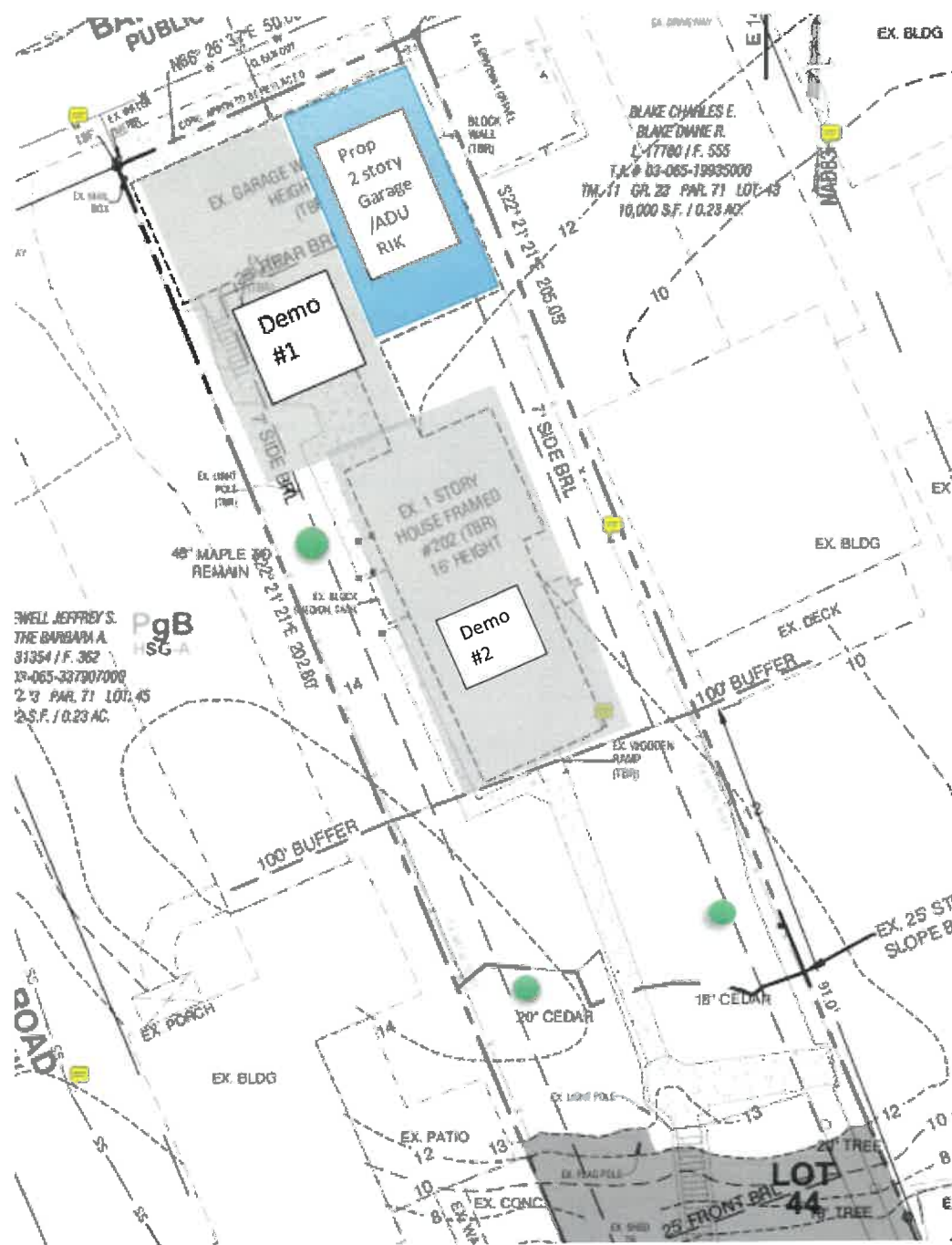




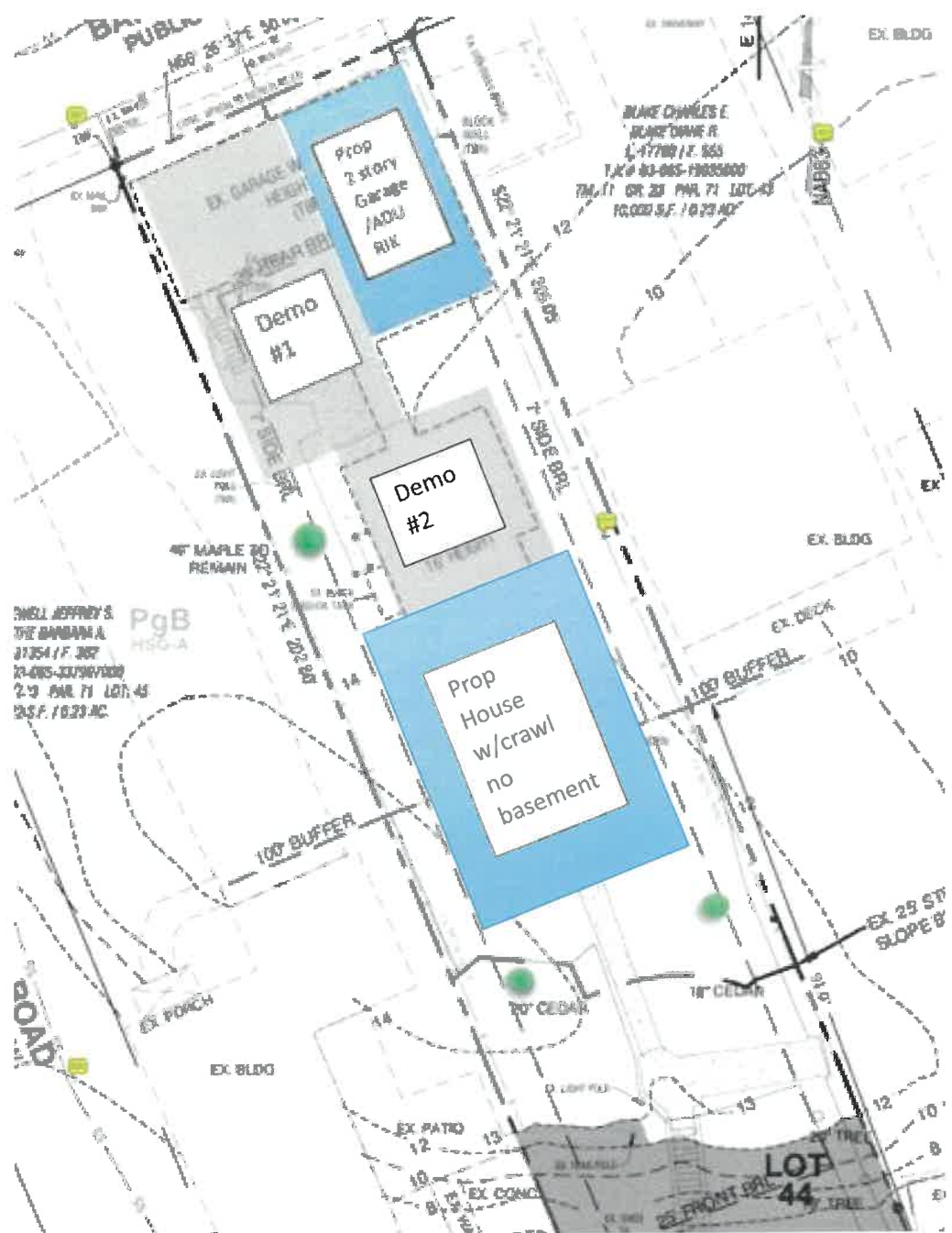












Due on 06/05/2023, assigned to Vanessa Crankfield  
Marked as Revision Needed on 06/12/2023 by Vanessa Crankfield

During review of Revision "A" of the building permit it was found that the dimensions of the proposed garage on the permit application do not agree with the site plan. The revised building permit application indicates that you are proposing a 36' x 22' garage whereas the site plan indicates the garage will be 34' x 22'. Which is correct? Please revise either the building permit application or the site plan. If you revise the site plan it may be required that you revise the Grading permit application as well. All revision to the permit must be submitted to the Permit Center under the revision process.

**HOUSE TO BE 50% COMPLETE**  
The proposed dwelling under Building Permit B0413936 must be 50% complete prior to approval of the building permit for the detached garage. Please inform the reviewer listed below once the framing inspection has passed.

**Comment:** Revisions are required to be submitted through the online LUN system at: [aacounty.org/LUN](https://aacounty.org/LUN). When uploading documents for revision, please click the "REQUEST REVISION" link that is next to the permit number in LUN. If the link is not available you must contact the permit center @ 410-222-7730.

The "request revision" link located in the action column must be used to address outstanding comments and upload updated digital files. Please do not upload these documents directly to the record as we will not be notified. Visit the LUN system help section of our website for further assistance:  
<https://www.aacounty.org/departments/inspections-and-permits/land-use-navigator/system-help>

For questions regarding these comments, please contact: Vanessa Crankfield at (410) 222-6816 or [pccran00@aacounty.org](mailto:pccran00@aacounty.org).

## Permits & Fees

**A Building Permit is required** for the establishment of an ADU. All proposed detached ADU's (whether new structures or conversions) are required to meet all applicable Construction Code requirements for new single family dwellings.

An ADU is **exempt from impact fees** provided the ADU is **not** constructed during the construction of the single family detached dwelling.

APP. EXHIBIT# 3  
CASE: 2024-0208-✓  
DATE: 2/6/25

Email from county confirming zoom meeting on March 1, 2023 that we should not need a variance for in-kind replacement:

Sent: Monday, August 7, 2023 at 12:43:44 PM EDT  
Subject: Re: G02019582

Jean,  
Regarding the permit status, I do not see any updated submittal in LUN since the original November 2022 submission. Regarding expiration, you will need to check with the Permit Center (410-222-7730, [ipmailbox@sacounty.org](mailto:ipmailbox@sacounty.org)) as they could tell you if and when a submittal could expire.

As to the variance, per our discussion on 1 March 2023, the detached garage is considered in-kind replacement (RIK) if it is in the same location, the same or lesser footprint & height, and same use (Code 17-1-101). As we discussed, per Code 18-2-303, RIK is exempt from the setback requirements if the original structure has been in place for at least 20 years. Consequently, we noted that the detached garage would not need a variance for setback based on these criteria. Thus, the reference to Bulk Regulations setback variance is not required if the detached garage meets RIK criteria.

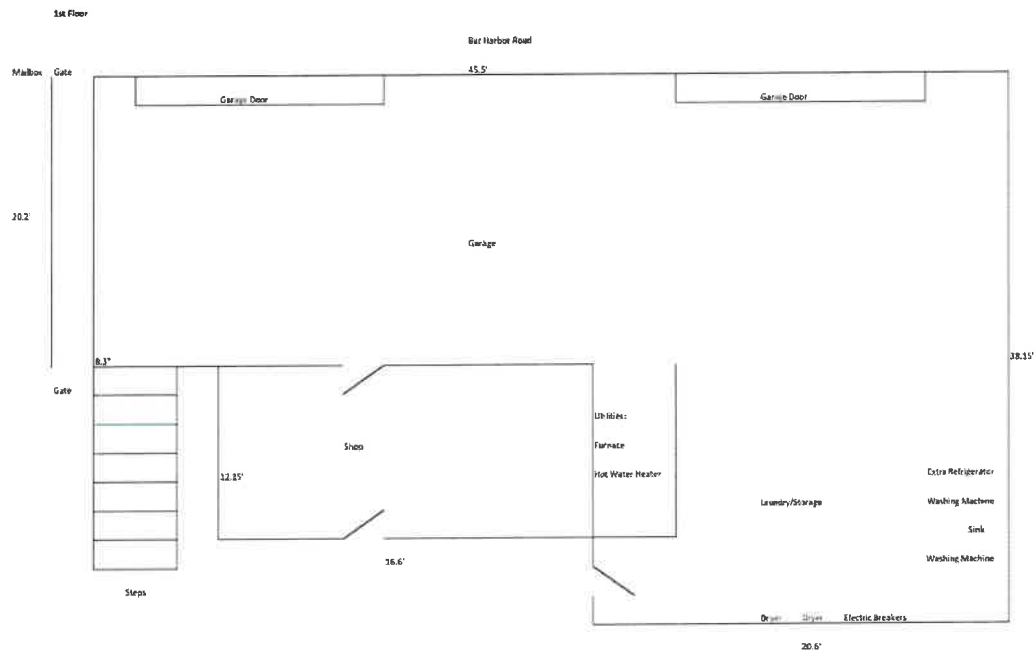
That said, a variance is required for a new dwelling that is closer to the shoreline than the front facade of the existing structure (17-8-702) and/or if the LOD encroaches steep slopes as was shown to install the discharge pipe. Both of these cases are proposed in the original submittal. Unless the design is modified, a variance would need to include both issues. It should be noted that there appears to be room to move the proposed house back a little so that it is not closer to the shoreline than the existing structure.

I trust that this responds to your inquiry. Otherwise, let me know if you have other questions.

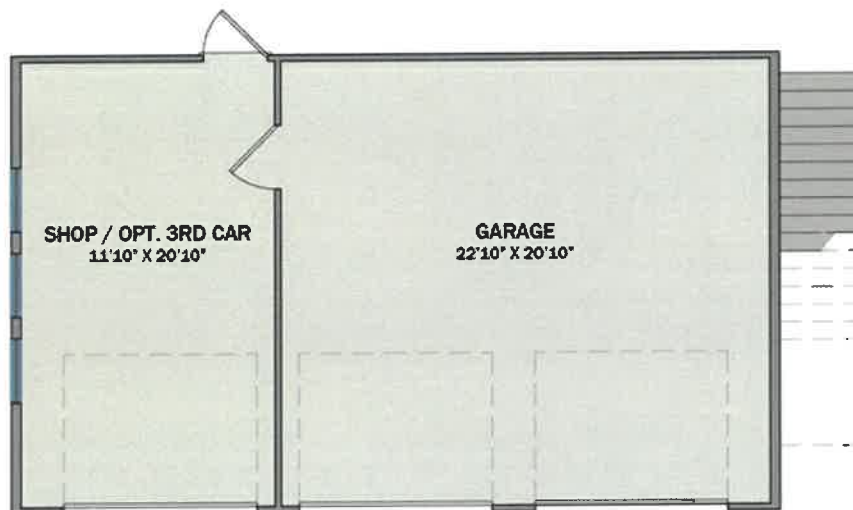
thanks  
Darren Quillen, P.E.  
Anne Arundel County Planning and Zoning



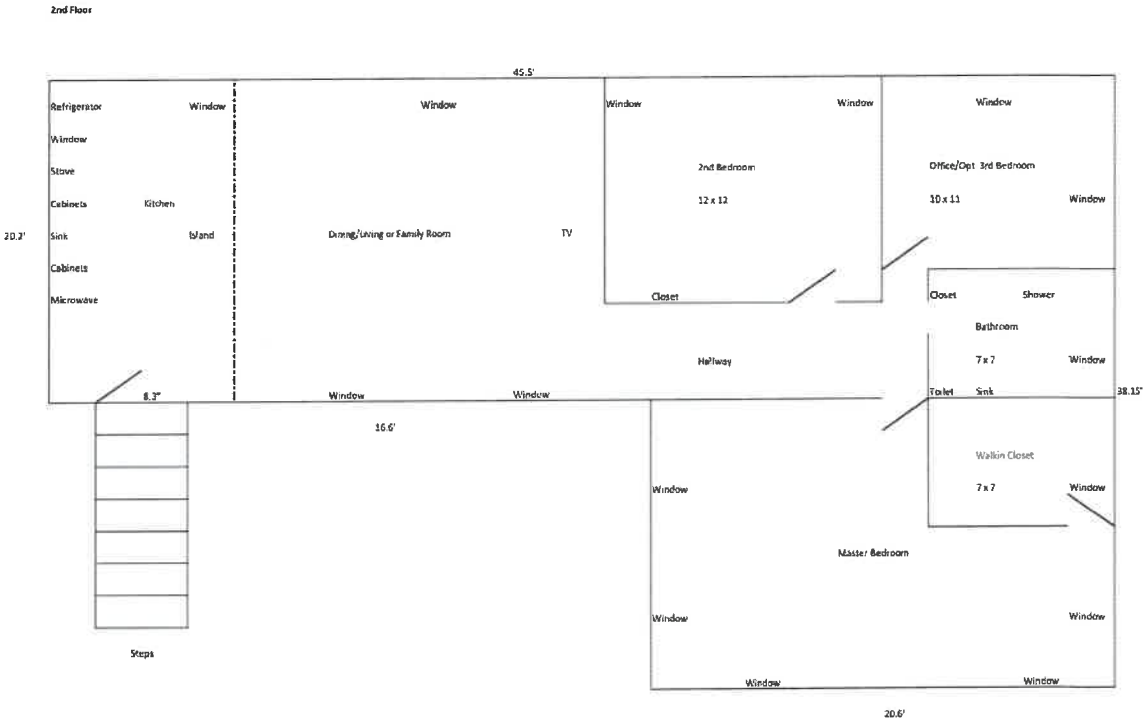
Existing created by applicant as requested by OPZ during pre-file to verify use:



Proposed:

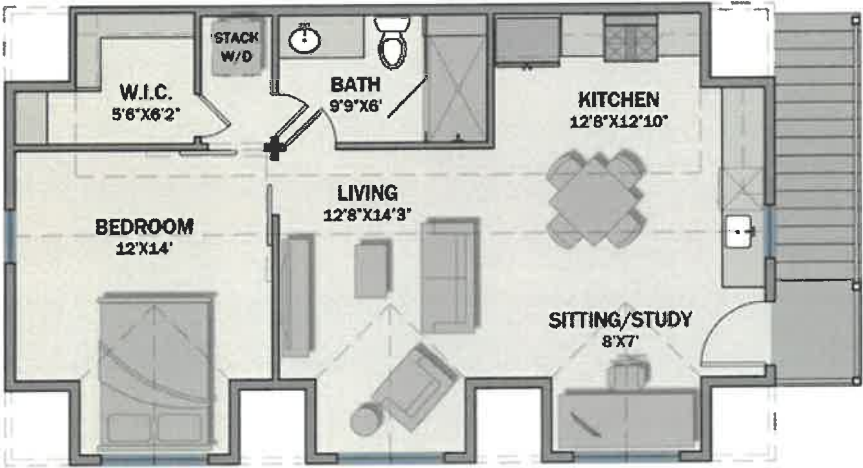


Existing created by applicant as requested by OPZ during pre-file to verify use:



Proposed:

2nd Floor



Existing:



Proposed:

**Craftsman Garage Apartment with Ground Floor Shop**

<b>708</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>
Heated S.F.	Beds	Baths	Floors	Car Garage





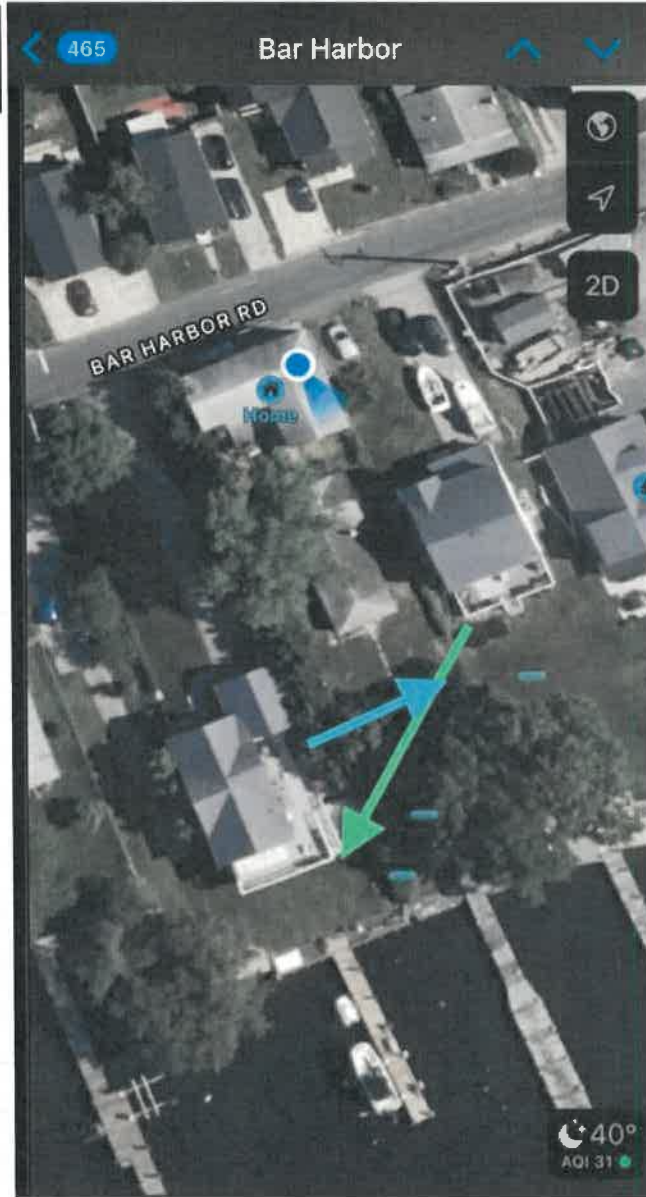
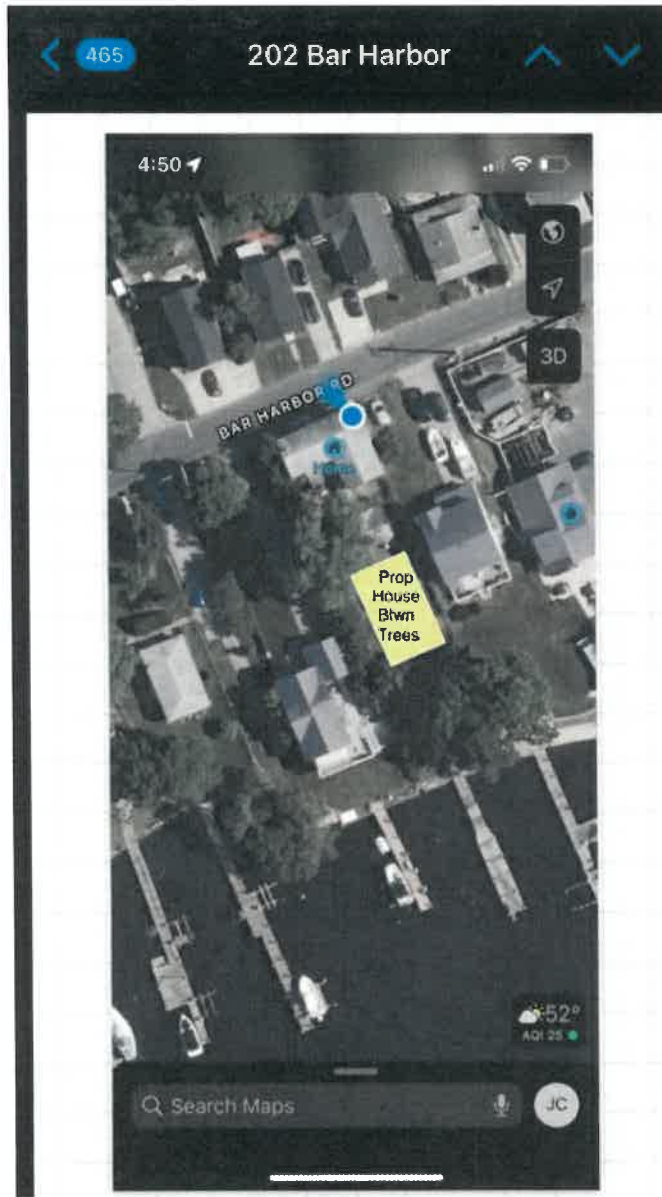
Existing Side View (Proposed would be same or less as side view and extend 21.5 ft along the street to allow room for a driveway – proposed garage doors would face driveway as a sideload):



Proposed Side View:



APP. EXHIBIT# 4  
CASE: 2024-0208-V  
DATE: 2/6/25



Builder's client's (who are waterview and not waterfront) county comments on their Environmental Review to protect mature maple tree:

✓ Environmental Review

Due on 12/16/2021, assigned to TBD  
Marked as Revision Needed on 12/16/2021 by MICHAEL METTLE

Due on 03/03/2022, assigned to TBD  
Marked as Under Review on 02/17/2022 by MICHAEL METTLE

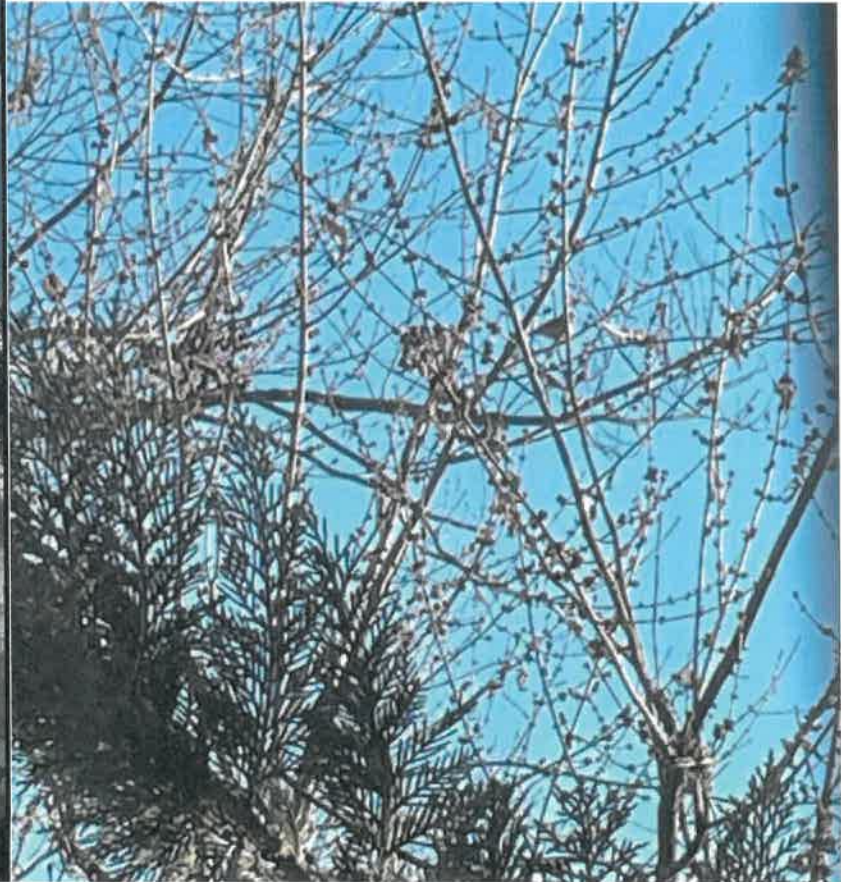
Due on TBD, assigned to MICHAEL METTLE  
Marked as Under Review on 03/08/2022 by MICHAEL METTLE

Due on 03/03/2022, assigned to MICHAEL METTLE  
Marked as Revision Needed on 03/08/2022 by MICHAEL METTLE

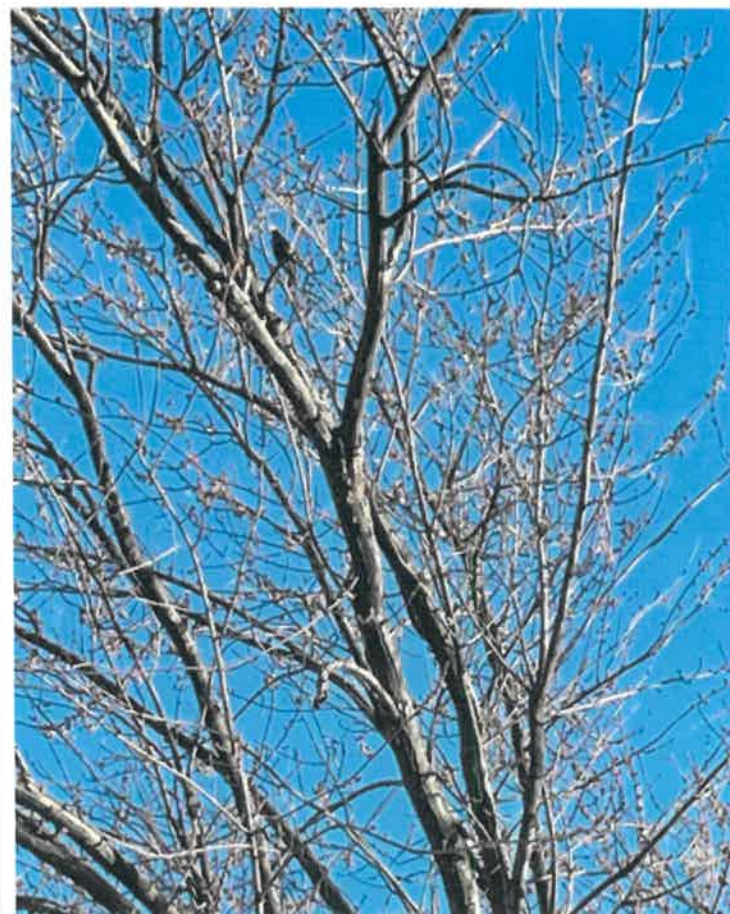
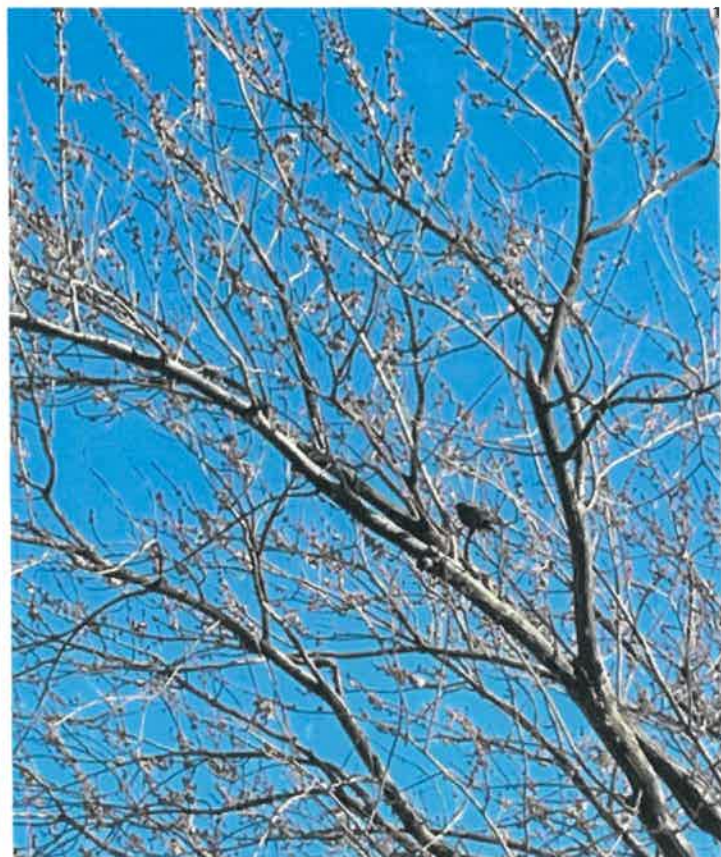
The consultant has mistakenly attributed the following comment to the 48" Poplar that is located offsite. "It has been confirmed by this office that the 48" Oak tree is not dead or uprooting and is not categorized as a hazard tree. This mature tree shall be identified on the plan by highlighting or shading as a site resource that shall be protected from development on the existing conditions and resource mapping plan. The LOD shall be revised to reduce disturbance to this tree and maximize survival with tree protection fencing provided and labeled. Please note this tree has been identified as a silver maple by County forestry. Please revise accordingly.



Our Mature Maple Tree with 3 birds nests and birds:

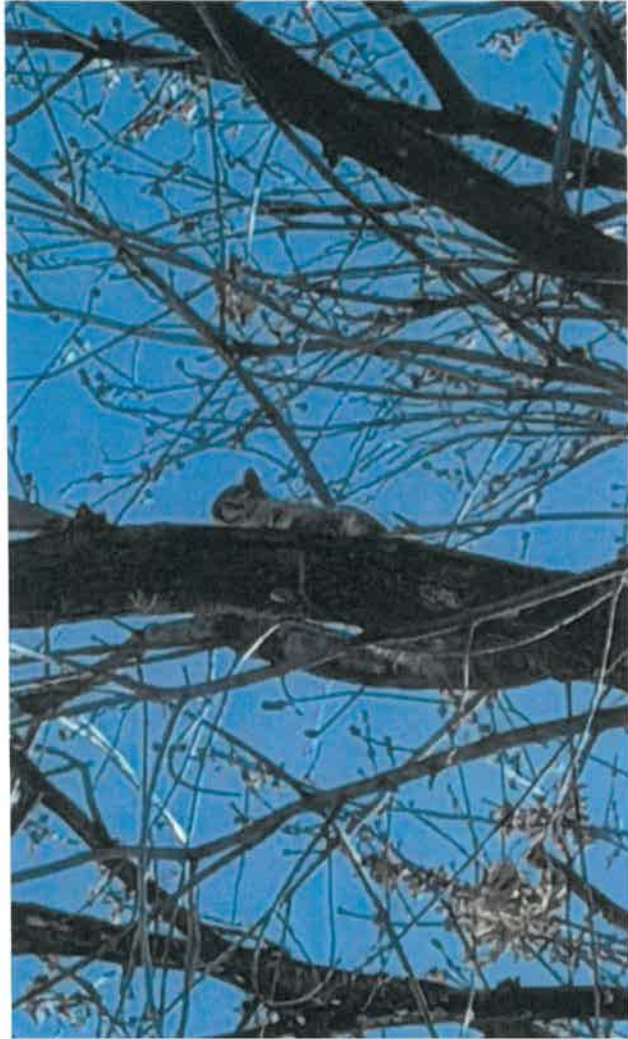




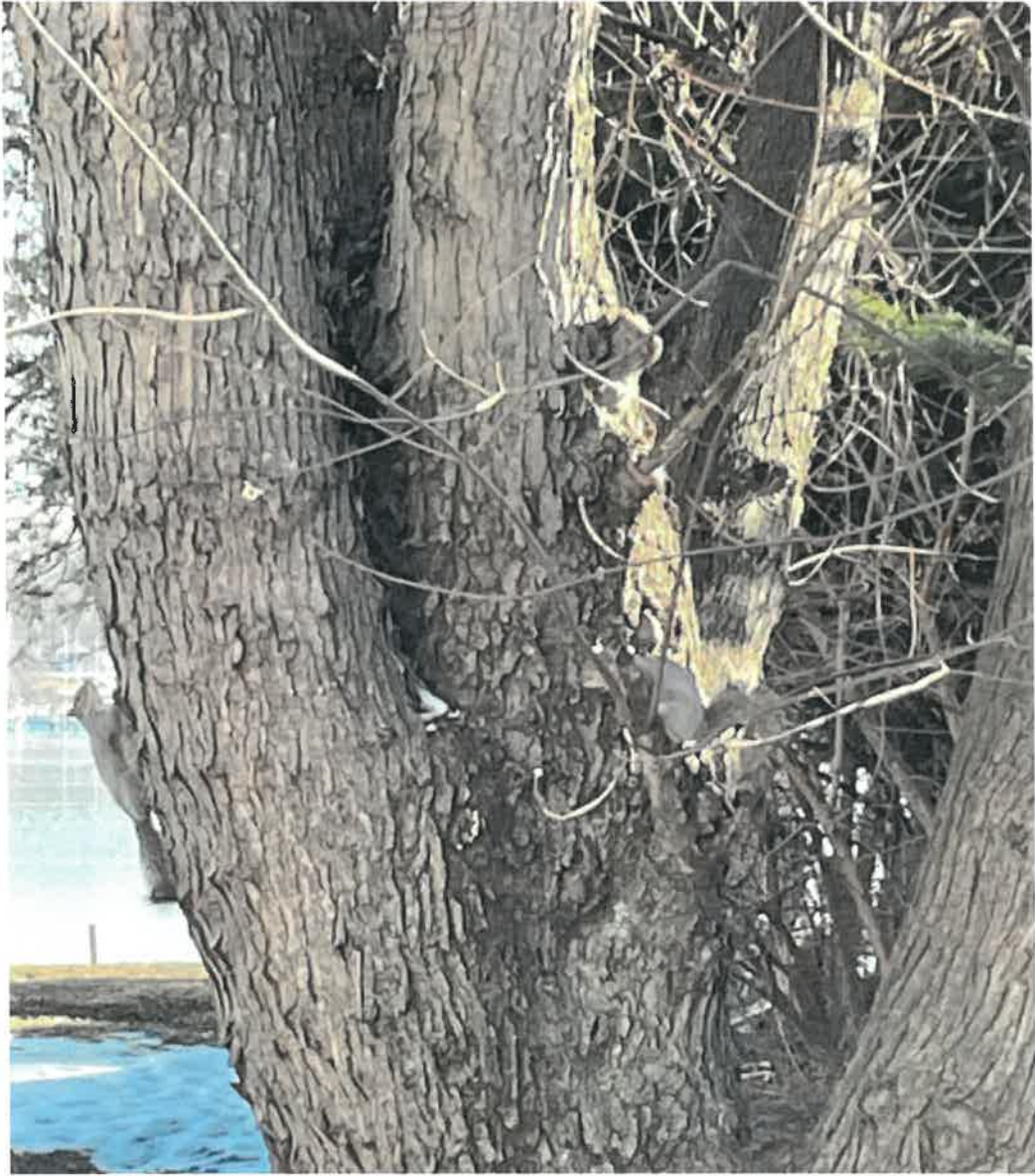




Squirrels in the Maple Tree:







We would like to preserve the mature maple tree that serves as a habitat to the wildlife, but it is a little too close to the existing house to rebuild in the general area. We would like to rebuild a house 21 feet forward to preserve the maple tree to prevent any possible foundation or siding damage from the tree roots. There is no habitat in the area we are proposing pictured below where the snow is:





how far should you build a house from a 48 inch maple tree

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#### ◆ AI Overview

For a 48-inch maple tree, it's generally recommended to build a house at least 20 feet away from the trunk to avoid potential root damage to the foundation; this distance is based on the idea that a tree's root system can spread as far as its canopy, so a larger tree requires a greater distance. 🌿

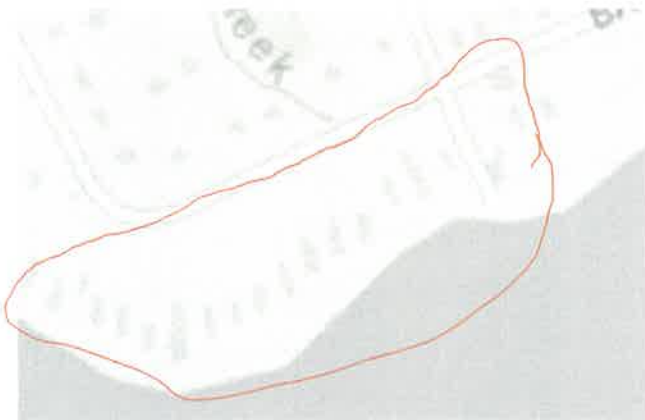
Key points to consider:

- **Tree size:** Larger trees like mature maples need more space than smaller trees. 🌿





All the R5 waterfront homes are significantly closer to the shoreline and our home is the one out of place and not conforming with the neighborhood:



Aerial view of R5 Waterfronts with houses closer to the shoreline, driveways, and some also have detached structures. Our proposals would be more conforming to the neighborhood which was the basis for changing our zoning from MB to R5:



### Maritime to Low-Medium Density Residential

This recommendation is based on the following justification:

*The recommended change from Maritime to Low-Medium Density Residential is consistent with the existing use and the Neighborhood Preservation Policy Area; and it is compatible with the surrounding planned land use.*

## Development Policy Area (DPA)

### Neighborhood Preservation

- Existing residential communities and natural areas (may include local commercial and industrial uses) that are not intended for substantial growth or land use change, but may have specific areas targeted for revitalization. Development is limited to infill, the addition of accessory dwelling units, and redevelopment that must be compatible with the existing neighborhood character. Public infrastructure exists but may need capacity improvements.

The next 5 houses all have lot coverage in the buffer with a façade of less than 100 feet from the shoreline.

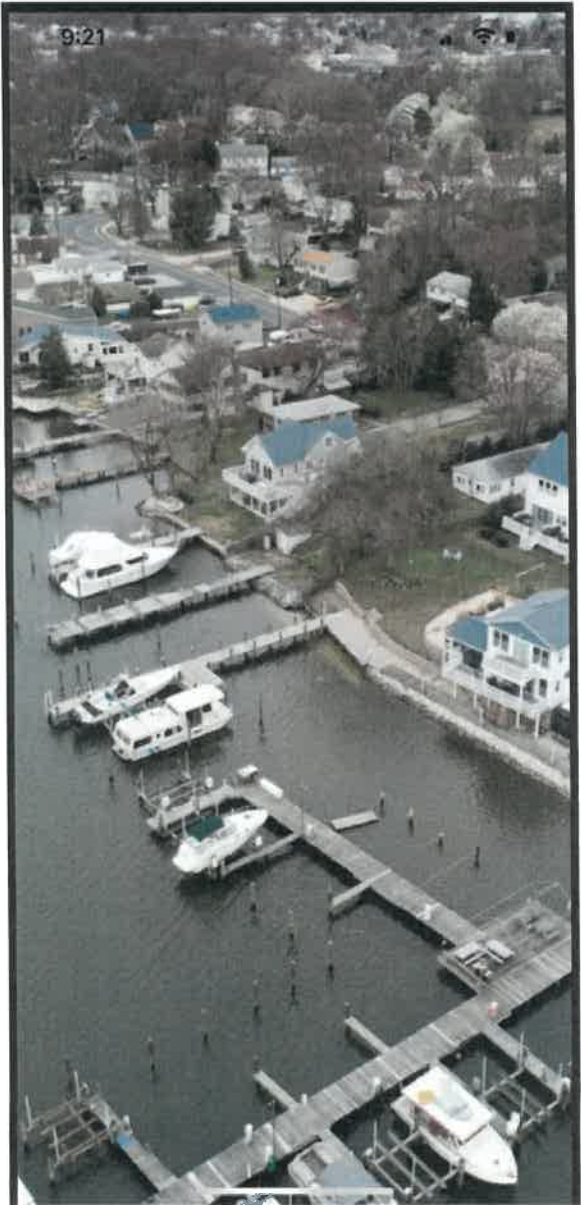




Aerial view's when 203 Bar Harbor (waterview across the street from us) was for sale in early 2020:











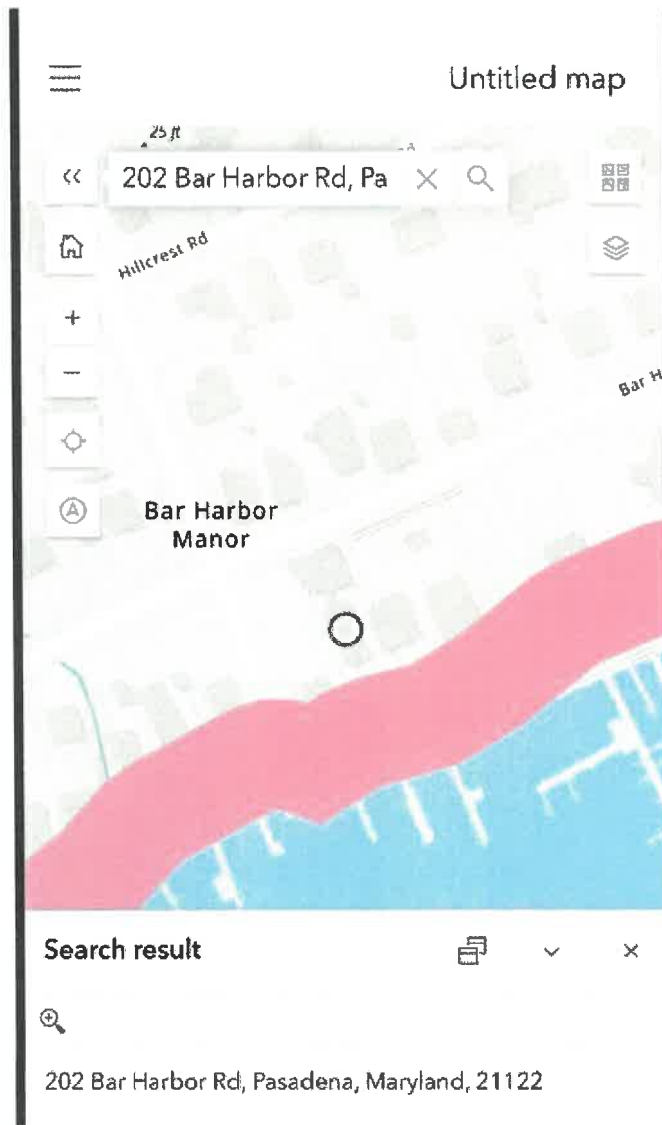
New Stone Revetment in 2019:



No view to block from 204 moving the house forward:



Buffer:





## Layer List



Buffer Exemption



Buffer



Modified Buffer

Polygon layer

GIS\_AnneArundel

Open in Map Viewer

Metadata

### Summary

This layer serves to delineate Buffer Modification areas for Anne Arundel County. The Buffer Modification refers to shoreline buffer laws. Modified buffers are buffers from the shoreline and/or tidal wetlands which do not have restricted development regulations. Old name bn03909f.

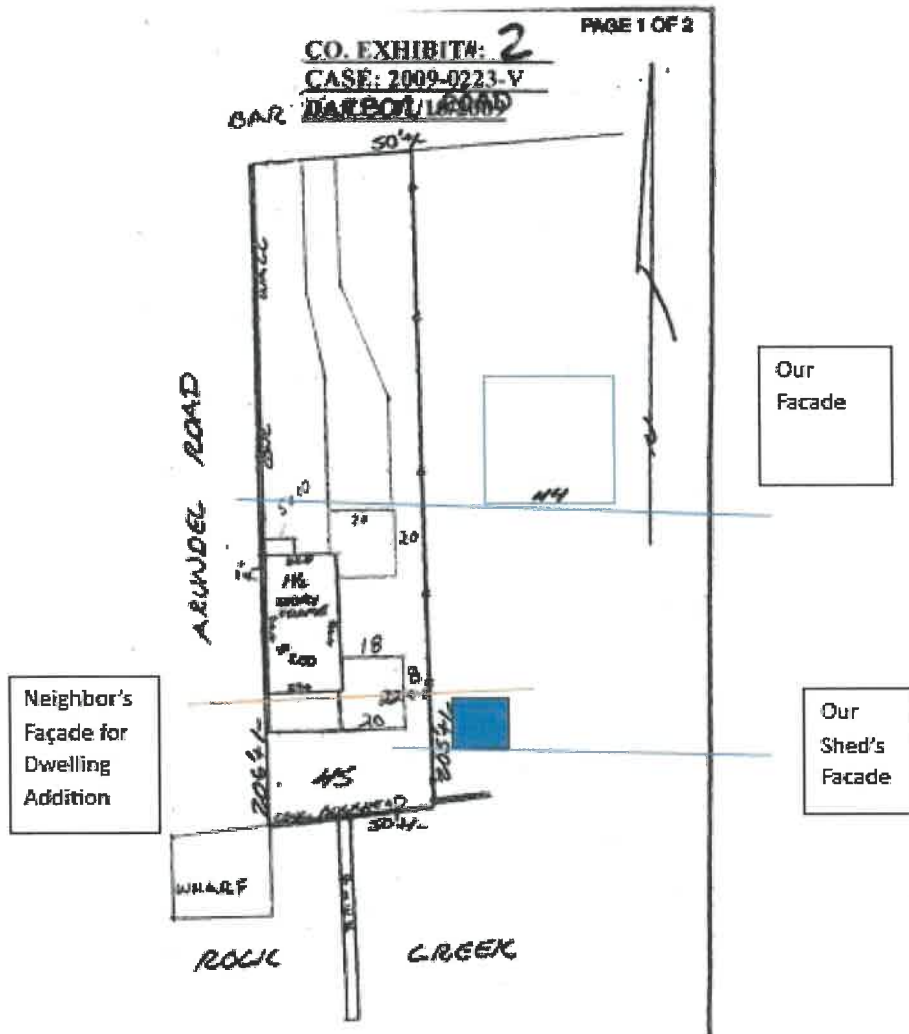
### Description

Buffer Modification Areas for Anne Arundel County. Last edited 6/24/2020.

AA

arcgis.com

Excerpt from 2009-0223-V annotated by applicant:





§ 17-8-702. Development requirements for single family residential uses.



(a) **Scope.** This section applies to all single family detached residential development in a buffer modification area.

(b) **Expansion of existing lot coverage.** Lot coverage added during the expansion or replacement of an existing structure shall meet the following criteria:

(1) No new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.



(2) The structure or expansion shall be designed and located to maximize the distance from the shoreline and to enhance and protect the environmentally sensitive features on the site, taking into account the natural features.



(3) Variances to the setback requirements of the underlying zoning shall be considered before buffer disturbance.

A shed is not listed as what may not be considered part of the principal structure when considering new lot coverage placed nearer to the shoreline.

The county planner at the time testified that “since the property is mapped as buffer modified, a buffer variance is not required”.

Neighbor's Email from the county that our properties are unusual and laws that apply:

Begin forwarded message:

**From:** Jennifer Lechner <[pzlech23@aacounty.org](mailto:pzlech23@aacounty.org)>

**Subject:** pre-file variance inquiry - Fwd: Message from Zoning Zoning Administration (7437)

**Date:** September 15, 2023 at 10:06:49 EDT

**To:** "[jsbakewell@gmail.com](mailto:jsbakewell@gmail.com)" <[jsbakewell@gmail.com](mailto:jsbakewell@gmail.com)>

Good morning Mr Bakewell.

I left you a message but wanted to also provide you with some additional info, as **your property is unusual**.

Your property is zoned **MB - General Commercial Marina District**. Single Family Dwellings are not an allowed use, unless used for the sole purpose of custodial, managerial, or operational aspects of a marina. As such, your house is considered a non-conforming single family dwelling. The following Code provisions apply to your property.

In addition, your property is **Critical Area IDA**, and **BMA Buffer Modified Area**.

**§ 18-15-102(d)** Nonconforming single-family dwellings. The Office of Planning and Zoning may allow:

(1) the expansion of a nonconforming use single-family dwelling if the expansion is set back at least seven feet from each side lot line and 25 feet from the front (refer to 18-2-401 below) and rear lot lines and if the expansion does not cause the structure to exceed a height of 35 feet; ((assuming your garage is attached to your house -- not a detached garage))

or

(3) structures accessory to the nonconforming use dwelling if the accessory structure is located in a side or rear yard, set back at least seven feet from side and rear lot lines, and does not exceed a height of 25 feet or the height of the principal structure, whichever is less. ((if your garage is detached))

**§ 18-2-401.** Front yard of waterfront lots.

The front yard of a waterfront lot is the yard that faces the shoreline. If more than one yard faces the shoreline, the rear yard is the one that provides access to a road and the front yard is determined accordingly. ((from your description of the garage addition being 96ft from the bulkhead, it sounds like the addition will be between the road and your existing garage - rather than in your water front yard?? if so, I believe based on 18-15-102(d) above, your addition needs to be at least 25ft to the rear/roadside lot line)

**§ 18-2-402.** Principal structures.

The Office of Planning and Zoning designates the location of a principal structure on a waterfront lot based on:

- (1) an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another;
- (2) the height, location, necessity, and purpose of the proposed structure;
- (3) existing and allowed land uses on the lot and adjacent waterfront properties;
- (4) topographic and other physical features of the lot and adjacent waterfront properties, including shoreline irregularities and restrictions based on the required placement of utilities;
- (5) the impact of the structure on the use and enjoyment of adjacent waterfront properties and their light, air, and view; and
- (6) protection of environmental features and maximization of ESD design criteria.

**§ 17-8-205.** Development in the IDA.

Development in the IDA shall comply with the following criteria in accordance with COMAR requirements:

- (1) All development in the IDA shall be subject to the habitat protection area criteria of COMAR, Title 27.
- (2) Pollutant loadings from impervious surfaces shall be reduced at least 10% below the level of pollution from the site prior to development.

This requirement shall be met by maximizing ESD design criteria. Offsets permitted by the design standards and technical report may be used either onsite or offsite in the same critical area watershed to reach 10% pollutant reduction requirements of this section after maximizing ESD design criteria. For disturbance less than 5,000 square feet, the methods specified in § 17-8-405 may be utilized.

- (3) If practicable, permeable areas shall be established in vegetation.

...

- (5) Buffer modification areas in the IDA are subject to such additional requirements as provided in Articles 17 and 18 of this Code.
- (6) Lot coverage may not exceed the lot coverage limitations of the underlying zoning district. ((§ 18-7-106. Bulk regulations. Maximum coverage by structures, parking, and dry storage in MB and MC Districts = 80% of gross area))



**§ 17-8-702.** Development requirements for single family residential uses.

- (a) Scope. This section applies to all single family detached residential development in a buffer modification area.
- (b) Expansion of existing lot coverage. Lot coverage added during the expansion or replacement of an existing structure shall meet the following criteria:
  - (1) No new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.
  - (2) The structure or expansion shall be designed and located to maximize the distance from the shoreline and to enhance and protect the environmentally sensitive features on the site, taking into account the natural features.
  - (3) Variances to the setback requirements of the underlying zoning shall be considered before buffer disturbance.

...

(e) Mitigation for lot coverage in the buffer modification area. Mitigation for new lot coverage or for replacement of existing lot coverage in the buffer modification area is required as follows:

- (1) For every square foot of additional lot coverage within 100 feet of the mean high water line, a vegetated buffer shall be planted within the buffer modification area at a ratio of two times the amount of lot coverage.
- (2) If a variance is required, a vegetated buffer shall be planted within the buffer modification area at a ratio of 3:1 for the additional area of disturbance granted under the variance.

Since your property is waterfront/Critical Area, I'd recommend contacting the Critical Area Team at 410-222-7960 to speak to their Planner of the Day to confirm the need for a variance/pre-file.



**Jennifer Lechner**

Office of Planning & Zoning

Zoning Administration

(410) 222-7437

[www.aacounty.org](http://www.aacounty.org)

Adjacent Neighbor's Email with No Objections to our Proposals:

**Jeff Bakewell** <jeffbakewell@gmail.com>  
To: zhcolb22@aacounty.org

Thu, Jan 9, 2025 at 11:13 AM

Dear Holly,

REF: JEAN CUBELLO — 2024-0208-V (AD 3, CD3)

I am the immediate neighbor to Steve & Jean Cubello and have received the Notice of Hearing regarding their request for two variances at 202 Bar Harbor Rd, Pasadena.

I have **NO OBJECTIONS** to these variances and also believe their plan will add value to the neighborhood in terms of aesthetics, curb appeal, quality of life as well as property values.

Please include this input in the County's decision on this matter. It is in the best interests of all parties to grant these variances.

Thank you!

Jeffrey & Barbara Bakewell  
200 Bar Harbor Rd, Pasadena, MD 21122-3021  
540-878-3556

APP. EXHIBIT# 5  
CASE: 2024-0208-V  
DATE: 2/6/25

Plan 2040 Letter:



Ref: 373

2664 Riva Road, P.O. Box 6673  
Annapolis, MD 21401  
410-222-7450

Steve Kaiti-Ziegler, AICP  
Planning and Zoning Officer

08/26/2020

**Re: Plan2040 Planned Land Use Map change | SR-26**

To whom this may concern:

The Office of Planning and Zoning is in the process of developing Plan2040, a comprehensive plan to guide land use in the County, capitalize on its assets, and conserve critical resources over the next twenty years. One element of Plan2040 is the Planned Land Use Map. This map is used to guide development patterns in the County in accordance with the Vision and Goals established in Plan2040. The Planned Land Use Map illustrates general land use categories (e.g. commercial, low density residential, etc.) to describe the different types of land uses and to identify, on a broad scale, where those uses are most appropriate.

County staff conducted a comprehensive Countywide review and are recommending changes that either reflect better alignment with the parcel boundary, change an existing nonconforming use expected to continue within the planning horizon to the appropriate planned land use designation, or reflect changes that are more comprehensive in nature and better align with the Development Policy Areas.

The Office of Planning and Zoning is contacting property owners whose Planned Land Use designation is proposed to change. The property listed at 202 Bar Harbor Rd and/or Tax Account Number 306523689505 is proposed to change from:

**Maritime to Low-Medium Density Residential**

This recommendation is based on the following justification:

*The recommended change from Maritime to Low-Medium Density Residential is consistent with the existing use and the Neighborhood Preservation Policy Area; and it is compatible with the surrounding planned land use.*

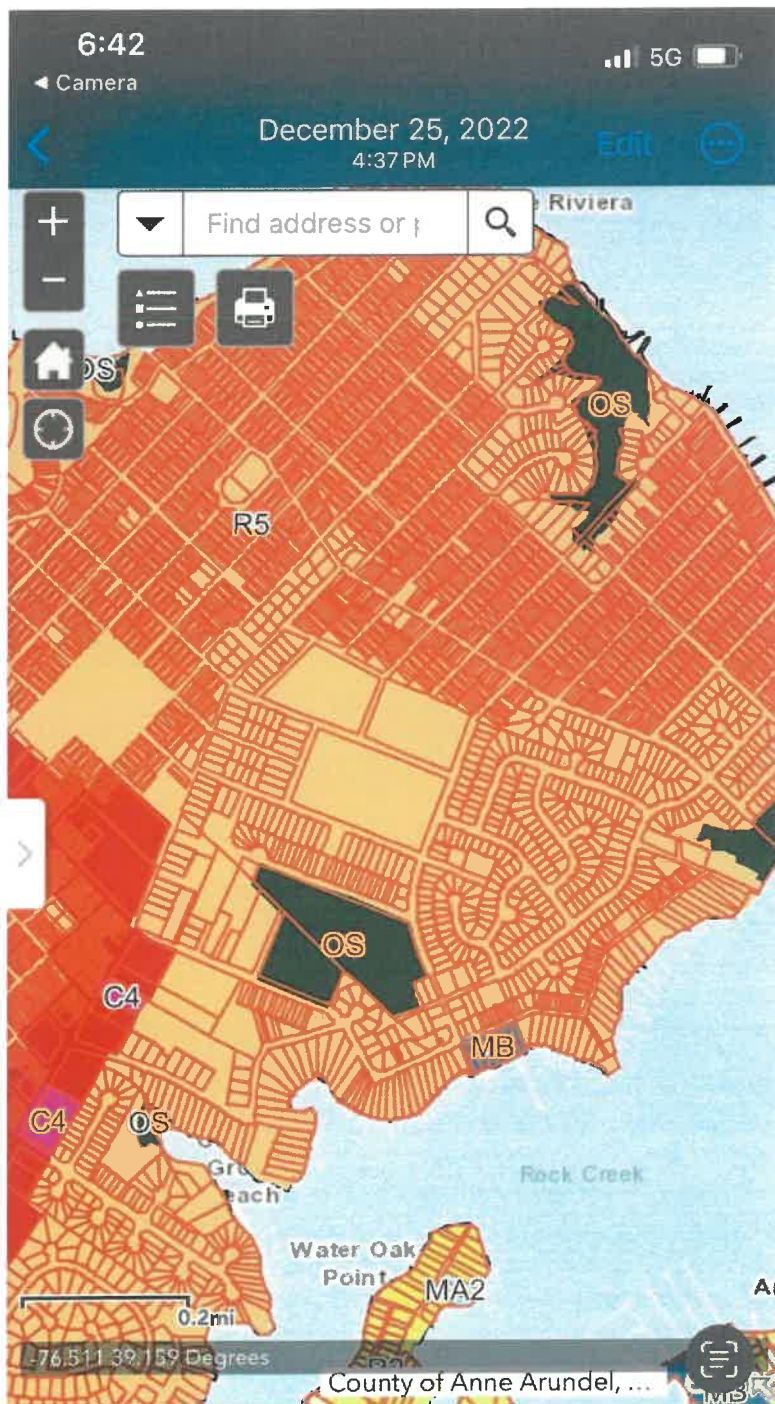
Please note that this is a preliminary recommendation and should not be considered final until Plan2040 has been adopted by the County Council. Questions regarding this letter should be emailed to [Plan2040@aaacounty.org](mailto:Plan2040@aaacounty.org). Please visit [www.aaacounty.org/Plan2040](http://www.aaacounty.org/Plan2040) to learn more about the process as well as [aaacounty.org/Plan2040OpenHouse](http://aaacounty.org/Plan2040OpenHouse) to see the proposed Plan2040 Planned Land Use Map and provide comments. On the "Comment on Draft Planned Land Use Map" tab, reference SR-26 for additional details on these changes. Please note the Open House will run until September 10, 2020.

Sincerely,

Steve Kaiti-Ziegler, AICP  
Officer, Office of Planning and Zoning



Our home mapped MB Zoning on December 25, 2022:



Our home mapped R5 Zoning on September 26, 2024 (202 and 200 Bar Harbor no longer blue):



## Automated Email Response from county that Pre-File was received on 9/12/2024:

Application Accepted - Pre-File Application - 2024-0091-P 



Auto\_Sender@accela.com  
to me ▾

Thu, Sep 12, 2024, 9:47 AM    

To Whom It May Concern:

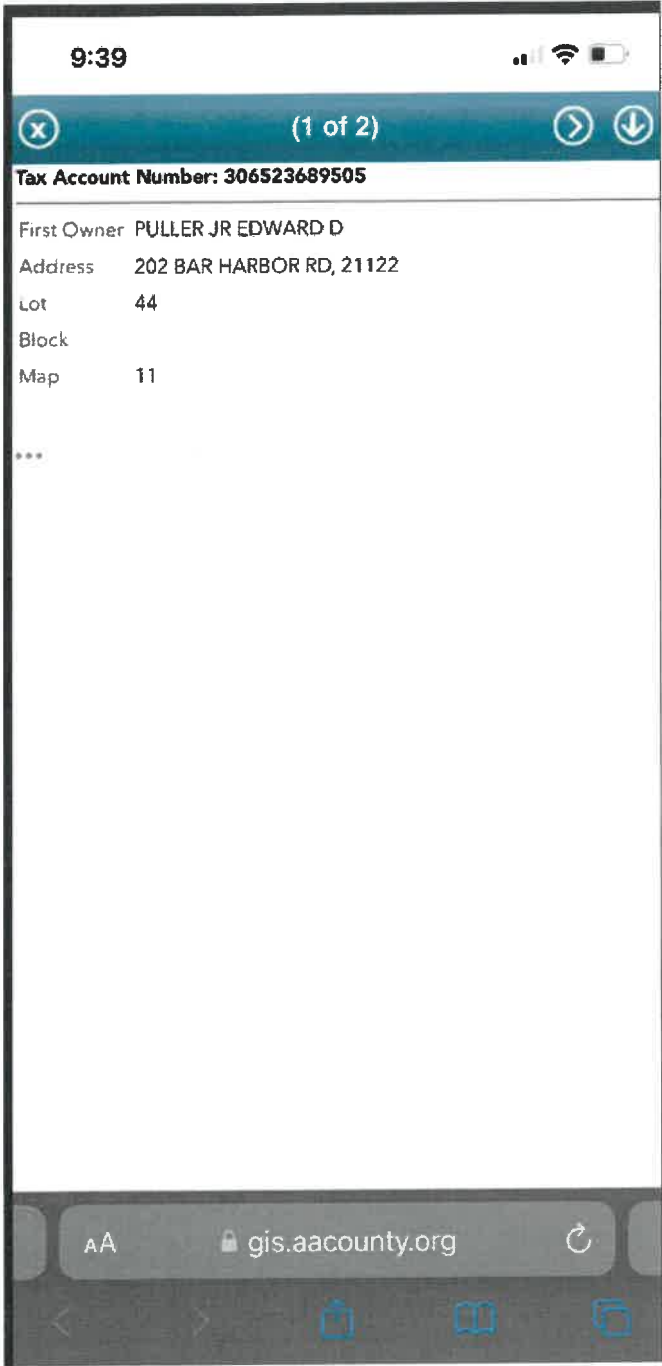
This email is to notify you that the Zoning Administration Team has reviewed your application (2024-0091-P) and is now working to prepare those comments. We will email those comments as soon as they have been prepared. We rely on contributions from partner teams in the preparation of comments, and so while we cannot guarantee a turnaround time, we anticipate returning those comments within approximately two weeks.

If you have any questions, please call the Zoning Administration Team at 410-222-7437.

Sincerely,  
Zoning Administration Team



County Zoning Map for our home changed on 9/12/2024:



9:39



(2 of 2)



**Zoning ADOPTED: R5**

ZONED	R5
Type	R5 Residential
Acreage	2,501.80
created user	pzmagl22
created date	9/12/2024, 12:56 PM
last edited user	pzmagl22
last edited date	9/12/2024, 2:16 PM

\*\*\*

AA

gis.aacounty.org



## County comments on grading permit that our home was MB:

Record G02019582:

### Grading Permit

Record Status: Revision Required

Record Info ▼

Payments ▼

#### Processing Status

This is where we can add help text.

THIS REVIEW IS "PENDING" AND HAS NOT BEEN COMPLETED. PLEASE EXPAND EACH REVIEW BY CLICKING THE BLACK ARROW TO VIEW THE APPROXIMATE DUE DATE AND ASSIGNED REVIEWER'S INFORMATION.

✓ THIS REVIEW HAS BEEN COMPLETED (not necessarily approved). CLICK THE BLACK ARROW FOLLOWED BY THE PLUS SIGN TO VERIFY THE STATUS AND COMMENTS OF EACH REVIEW.

##### Intake Review

Due on 11/21/2022, assigned to Ashley Barbagallo  
Marked as Ready for Distribution on 11/28/2022 by Ashley Barbagallo

Due on 11/21/2022, assigned to Ashley Barbagallo  
Marked as Accepted on 11/28/2022 by Ashley Barbagallo

##### Distribution

##### Zoning Review

Due on 12/12/2022, assigned to Darren Oullen  
Marked as Revision Needed on 12/22/2022 by Darren Oullen

1. A single family dwelling is a nonconforming use for zoning. Consequently, the setback and height requirements shall comply with Code 18-15-102. The proposed detached garage is an accessory structure. The garage rear and side setbacks do not comply with the 7-foot setback as required in the referenced code. Also, for reference purposes, the maximum allowable height for the proposed house is 35 feet per the referenced code (not 40 feet as noted on Sheet 1). Revise the design drawings, accordingly.

2. Clarify what "PROP SHC" is on Sheet 4.

Additional Information

Record G02019582:

### Grading Permit

Record Status: Revision Required

Record Info ▼

Payments ▼

#### Work Location

202 BAR HARBOR RD  
PASADENA MD 21122  
0306523689505 \*

**Email from the County that we can build a house in MB and do not need to register as a Nonconforming Use:**

Begin forwarded message:

**From:** Mark Wildonger <[pzwild00@aacounty.org](mailto:pzwild00@aacounty.org)>  
**Date:** February 2, 2021 at 1:35:41 PM EST  
**To:** Jean Cubello <[jmc6192@gmail.com](mailto:jmc6192@gmail.com)>  
**Cc:** Cindy Carrier <[pzcarr20@aacounty.org](mailto:pzcarr20@aacounty.org)>  
**Subject:** Re: SR-26

Ms. Cubello,

The reconstruction and relocation of a single family home in a Maritime zoning district is permitted. There is no need to register as a nonconforming use to rebuild the single-family detached dwelling.

On Tue, Feb 2, 2021 at 10:55 AM Jean Cubello <[jmc6192@gmail.com](mailto:jmc6192@gmail.com)> wrote:

Good Morning Mark,

Thank you for getting back with me. Just want to make sure I understand this correctly. Are we good to go the way we are currently zoned or do we have to apply and pay for a Non Conforming Use?

I appreciate any information you can provide to help us with this process.

Thank you,

Jean

On Jan 26, 2021, at 1:57 PM, Mark Wildonger <[pzwild00@aacounty.org](mailto:pzwild00@aacounty.org)> wrote:

Ms. Cubello,

Thank you for your patience. According to [Article 18-15-102](#), the reconstruction and relocation of a nonconforming use (such as a single family home in a Maritime zoning district) is permitted. In other words, a zoning change is not required at this time for you to demolish and reconstruct the house.

Mark

On Tue, Jan 19, 2021 at 7:35 PM Jean Cubello <[jmc6192@gmail.com](mailto:jmc6192@gmail.com)> wrote:

Good Evening,

My home at 202 Bar Harbor Rd in Pasadena, MD is a part of the Plan 2040 SR-26 which the county is recommending to be rezoned from Maritime to Low-Medium Density Residential. We are interested in tearing down the existing single family house and build a new single family home. Can you please tell



me when the zoning change will take effect or let me know what we need in order to get the zoning approved to build a new house?

Thank you,  
Jean Cubello (Puller)

--

**Mark Wildonger, AICP**

Senior Planner

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