

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

APPLICANT: David Agee & Rachael Smith

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0035-V

COUNCIL DISTRICT: 6

HEARING DATE: May 6, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (shed) with less setbacks than required on property located at 134 Groh Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 14,400 square feet of land and is located west of the intersection of Groh Lane and Beach Drive. The property is identified as Lot 3, in Block D, as shown on Plat 1 of Section 2 of the Hillsmere Estates subdivision, Parcel 158, Grid 7, Tax Map 57. The property is zoned R2 – Residential District, and lies entirely within the Chesapeake Bay Critical Area LDA – Limited Development Area. It is currently improved with a two-story dwelling with an attached carport, a barn with a covered patio, and other associated facilities.

PROPOSAL

The applicants are proposing to construct a shed (6'W x 16'L x 8'H) in the space between the existing barn and the fence along the west side property line.

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Ordinance provides that the minimum setbacks for accessory structures less than 8 feet in height in an R2 District is 5 feet from the side and rear lot lines. The proposed shed will be as close as 3 feet from the side lot line, necessitating a variance of 2 feet.

FINDINGS

The subject property is irregularly shaped and is undersized for lots in an R2 District with regard to the 15,000 square foot minimum area required for new lots served by public sewer, but is oversized with regard to the minimum width of 80 feet. A review of the County aerial photography shows an eclectic mix of dwellings and lots in this community, with the subject property forming a triangular block with two other lots.

The existing critical area lot coverage shown on the site plan is approximately 2,435 square feet. The proposed post-construction lot coverage is approximately 2,531 square feet, which is below the lot coverage allowed under §17-8-402 (31.25%, or 4,500 square feet). The existing coverage by structures shown on the site plan is approximately 2,005 square feet. The proposed post-construction coverage by structures is approximately 2,101 square feet, which is below the 30% (4,320 square feet) maximum coverage by structures allowed under § 18-4-601.

Building permit B02433592, to construct a shed, was submitted on February 13, 2025. Variance approval must be obtained prior to the permit being issued.

The applicants' letter explains that the proposed storage shed location is meant to maximize the existing vacant space between the existing barn and fence. They believe that the large trees and wrap-around fence preclude them from building elsewhere on the lot, and that many neighbors also have storage sheds that are close to fences. The applicants wish to use the proposed shed to house items that are currently stored in the open carport.

Agency Comments

The **Health Department** has determined that the proposed request does not adversely affect the well water supply system and has no objection to the request.

Variance Requirements

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.

There is nothing unique about the subject property as it relates to other nearby residential lots with similar zoning, and there are no unique circumstances preventing the applicants from complying with the Code. The proposed location of the shed, at three feet from the side lot line, may not allow room to maintain the structure. In addition, there appears to be other locations on the property where a shed could be constructed without the need for relief, such as next to or behind the existing carport. Alternatively, the existing carport could be enclosed to secure the items. Because alternative options exist, the requested variance is not considered the minimum necessary to afford relief. As such, this Office cannot support the variance request.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, as proposed, this Office recommends ***denial*** of a zoning variance to § 18-4-601 to allow an accessory structure as close as zero (0) feet to the side lot line.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

LOT 1
BLOCK D
SECTION 2
PLAT 1
HILLSMERE ESTATES
PB 23-36

LOT 3

LOT 2
BLOCK D
SECTION 2
PLAT 1
HILLSMERE ESTATES
PB 23-36

SHED Dimensions:
6' W x 16' L
8' H (peak height)



D. Agee Plat

I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.



PROP. LS#577 11/17/23
EXPIRATION DATE 03/24/2025

134 GROH LANE

PB 23-36

LOCATION DRAWING
LOT 3 BLOCK D SECTION 2 PLAT 1

Hillsmere Shores



BEACH DRIVE

GROH LANE

WELL

2 STORY FRAME #134

CAR PORT

PORCH

GRAVEL DRIVE

GATE

GATE

Proposed shed site

SHED =
3' from fence
(property line)

25'
25'
25'

97.14'

N62°05'52"E

S51°12'50"E

101.11'

N27°54'08"E

125.00'

S62°05'52"W

110.00'

1" = 30'

Letter of Explanation (4/23/25)

Dear Zoning Administration of AAC and Administrative Hearing Officer,

My wife and I are applying for a variance to build a storage shed on our lot. Due to the physical irregularities of the property, we are not able to build our shed in any other location than the one we're proposing. Our corner lot has many large trees and a wrap around fence that preclude us from building elsewhere; the proposed storage shed location is meant to maximize the existing vacant space in the least obtrusive way possible, while keeping with the general spirit of County's critical area program.

We currently have an existing external structure (barn) that is 9' away from the dividing property line (fence) of our neighbors at 132 Groh Lane. Instead of leaving a vacant, unused space between the barn and the fence, the goal is to build a storage shed attachment to the existing barn, to house lawn equipment, kids' toys, bikes, and various other household items. These items have been stored in our carport and are in plain sight for neighbors and visitors alike – our family would enjoy the ready access to these items in a convenient, safe location in a storage shed.

Our corner lot is roughly 1/3 acre, with the right angle corner of the lot being furthest away from the street, adjacent to two other properties. All three properties have either a fence or a natural dividing line (trees/bushes) between them. The proposed storage shed would only be seen from Groh Lane, and would be coordinated style-wise with the existing barn structure.

In the Hillsmere Shores neighborhood, we have noticed many neighbors with storage sheds that are remarkably close to fences, which we can only assume are dividing lines of properties. I completely understand the want to utilize the lot space available; setting storage sheds as far back as possible is a natural tendency, especially against a fence-line. We hope to be granted this variance so that we can utilize our property to it's fullest potential.

Existing structures:

House – 1600 sq. ft., approx. 30' tall, 15' setback from property line

Barn – 432 sq. ft., approx. 20' tall, 9' setback from property line

Proposed Structure:

Storage Shed – 96 sq. ft., 8' tall, 3' setback from property line (6'W x 16'L)

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 4/24/2025

Tax Map #	Parcel #	Block #	Lot #	Section
57	0158	D	3	2

Tax ID: 241290014745

FOR RESUBMITTAL ONLY

Corrections ☐
Redesign ☐
No Change ☐
Non-Critical Area ☐

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Hillsmere Shores

Project location/Address 134 Groh Lane

City Annapolis Zip 21403

Local case number

Applicant: Last name Agee First name David

Company

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 AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Building a storage shed between existing structure and fence dividing properties.

Intra-Family Transfer ☐ Yes
Grandfathered Lot ☐

Growth Allocation ☐ Yes
Buffer Exemption Area ☐

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	Total Disturbed Area	Acres	Sq Ft
IDA Area				0	0
LDA Area	1/3				
RCA Area			# of Lots Created		
Total Area	1/3				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		5208	Existing Lot Coverage		2444
Created Forest/Woodland/Trees	0	0	New Lot Coverage		108
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage		0
			Total Lot Coverage		2552

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	0

Variance Type

Buffer ☐
Forest Clearing ☐
HPA Impact ☐
Lot Coverage ☐
Expanded Buffer ☐
Nontidal Wetlands ☐
Setback ☒
Steep Slopes ☐
Other ☐

Structure

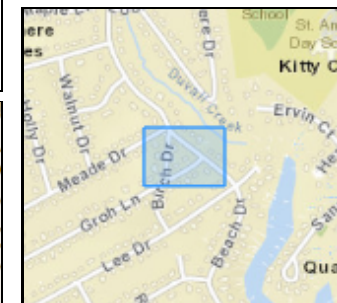
Acc. Structure Addition ☐
Barn ☐
Deck ☐
Dwelling ☐
Dwelling Addition ☐
Garage ☐
Gazebo ☐
Patio ☐
Pool ☐
Shed ☒
Other ☐

David Agee
134 Groh Lane
Annapolis MD 21403
4/23/25

CRITICAL AREA REPORT NARRATIVE

- The proposed use of the subject property and project is residential.
- Trees include: gum, poplar, oak, and cedar. We have 3 azalea shrubs and several large bushes that line the divide between our neighbor's yard and the subject property. Roughly 40% of our property is vegetated by trees and shrubs – none of the property will be disturbed by the proposed development.
- The proposed storage shed will have a gutter system that will combine with the existing gutters on our barn.
- Impervious surfaces before construction:
 - House + Carport (55.5' x 24')
 - Gravel areas
 - Driveway – (8' x 43')
- Impervious surfaces after construction:
 - House + Carport (55.5' x 24')
 - Gravel areas
 - Driveway – (8' x 43')
 - Storage shed (6' x 18')

134 Groh Lane topographic map



Legend

Foundation

Parcels



Structure

County Structure



Elevation

Topo 2023

Index

Intermediate



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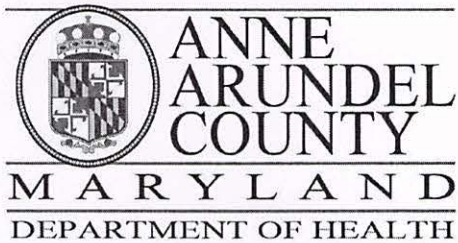
0 100 200
ft

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OpenStreetMap, Microsoft, Esri,
TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1"=100'



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.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
Bureau of Environmental Health *BC*

DATE: March 11, 2025

RE: David Agee
134 Groh Lane
Annapolis, MD 21403

NUMBER: 2025-0035-V

SUBJECT: Variance/Special Exception/Rezoning

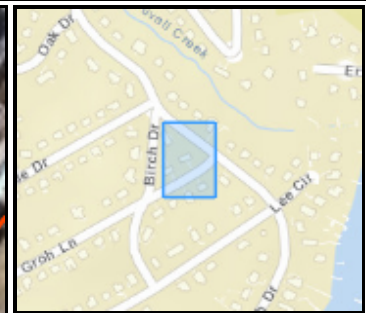
The Health Department has reviewed the above referenced variance to allow an accessory structure (shed) with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

134 Groh Lane (2025-0035-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning

County Planning



0 50 100
ft

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Nearmap



Notes