

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

APPLICANT: Kevin & Jessica Brilhart

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0235-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: June 24, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to perfect an accessory structure (shed) with less setbacks than required on property located at 7750 Rockanna Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 13,517 square feet +/- of land and is located on the south side of Rockanna Road. It is identified as Lot 8 of Parcel 188 in Grid 5 on Tax Map 17 in the Rockanna subdivision.

The property is zoned R2 – Residential District. This waterfront site on Whites Cove is located entirely within the Chesapeake Bay Critical Area overlay, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a single-family detached dwelling, a pier, and other associated facilities including a recently erected shed that is the subject of this variance application.

PROPOSAL

The applicants seek after-the-fact approval for the construction of a shed in the rear (roadside) yard. The shed measures 8' by 14' with a height of 8 feet.

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 shed was erected three feet from the west side lot line, necessitating a variance of four feet.

FINDINGS

The subject property is irregular in shape and is undersized for the district. While the lot meets the minimum 80-foot width requirement at the front building restriction line, the 13,517 square foot lot is smaller than the minimum 20,000 square foot area required for new lots not served by public sewer in an R2 District. The previously existing critical area lot coverage provided on the Critical Area Project Notification form is 1,093 square feet. However, it is clear that this number

is a gross underrepresentation of the lot coverage on site. The footprint of the dwelling alone is approximately 1,950 square feet, and recent aerials show that there is approximately 3,000 square feet of additional impervious coverage on site via the driveway, walkway, and patio areas. It appears that the critical area lot coverage may exceed the maximum 31.25% allowed. If the shed setback variance is approved, the applicants will be required to provide accurate coverage calculations and to demonstrate compliance with the coverage limitation and/or the associated reconfiguration reduction required at the time of permitting.

The property is the subject of an open compliance case (B-2024-515) associated with the construction of a shed without a permit and with new unapproved added lot coverage (patio) nearer to the shoreline than the facade of the principal structure. County aerials show that a large area of impervious pavers were recently installed between the deck and the shoreline, sometime between October of 2024 and February of 2025. This Office could not locate any permit or associated variance for the new critical area lot coverage, which is specifically prohibited in the BMA - Buffer Modification Area under Section 17-8-702(b) of the Code.

The applicants' letter explains that they believed that a permit was not required for construction of a shed less than 150 square feet in area. The applicants note that they removed a previously existing shed that was located at the shoreline and constructed the new shed next to the driveway near a neighbor's shed, which seemed best for environmental and safety reasons.

The **Health Department** has reviewed the on-site sewage disposal and water supply system for the subject property and has determined that the proposed request adversely affects the on-site sewage disposal and well water supply systems. The Department recommends denial of the variance request and notes that the proposed shed must be 10 feet from the septic system, existing and future. (See Perc Application T02032147).

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 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 applicants. While this Office agrees that a shed located near the road is preferable to a shed located near the shoreline, the applicants have not provided any justification as to why the shed could not be located elsewhere in the rear (roadside) yard, perhaps on the eastern side, in a location that meets all required setbacks. More importantly, the initial environmental benefit of removing the shed from the shoreline has been more than cancelled out by the large area of new impervious surface that was recently placed on the waterfront side of the existing house without the appropriate permit or variance approvals.

Approval of the shed variance would not necessarily alter the essential character of the neighborhood or substantially impair the appropriate use or development of adjacent property. However, based on the Health Department's comments that the request adversely affects the on-site sewage disposal and well water supply systems, the proposed variance may be detrimental to the public welfare. Furthermore, because alternative development options exist, the variance cannot be supported and 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 ***denial*** of the requested zoning variance. Should the Administrative Hearing Officer determine that a variance is warranted, any approval must be conditioned on satisfying the additional conditions provided under §18-16-305(d) as follows:

(d) Conditions for granting a variance in the critical area.

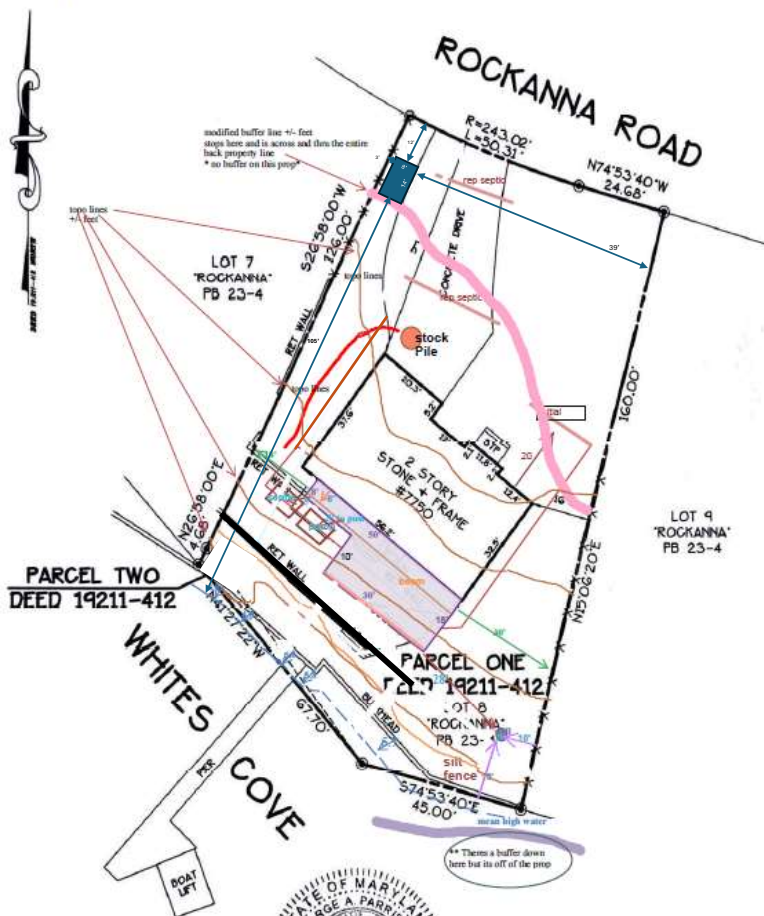
(1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

- (i) obtaining an approved mitigation or restoration plan;
- (ii) completing the abatement measures in accordance with the County critical area program; and
- (iii) paying any civil fines assessed and finally adjudicated.

(2) Notwithstanding the provisions of subsection (d)(1), the Office of Planning and Zoning may extend the time for abatement to the next planting season because of adverse planting conditions. An applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.

(e) **Lapse.** Any critical area variance granted shall lapse by operation of law if the conditions are not satisfied within 90 days or as extended.

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.



PARCEL TWO
DEED 19211-412

WHITES
PER
COVE

PARCEL ONE
19211-412

LOT 9
'ROKANNA'
FB 23-4

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.

GEORGE A. PARRISH IV PROP.LS#577 4/1/16
LICENSE EXPIRATION DATE 03/24/2017

Letter of Explanation: Overview

1) Requirements for variance

Jessica and Kevin Brilhart spoke to Inspector Daniel Smith and Adam Brown from planning and zoning on August 12, 2024. They both reviewed the shed and location and thought the new shed was in a better location but stated it does require a permit and likely a variance. This is the variance request.

There were further follow-ups including an email from Vanessa Crankfield on October 22, 2024:

“The minimum side and rear setback requirement for the proposed shed is 7 feet from the property lot lines. Please contact the **Zoning Administration Division** of Planning and Zoning at **410-222-7437** for any questions you may have concerning the variance process and procedure.”

2) Owner Comments

This letter of explanation is intended to discuss the background of the shed location on the property and reason for variance request.

Letter of Explanation

In March 2020, Kevin and Jessica Brilhart purchased the property at 7750 Rockanna Road. During the purchase, Kevin and Jessica were provided a plot of the land including a 10X12 shed in the front of the property along the waterfront.

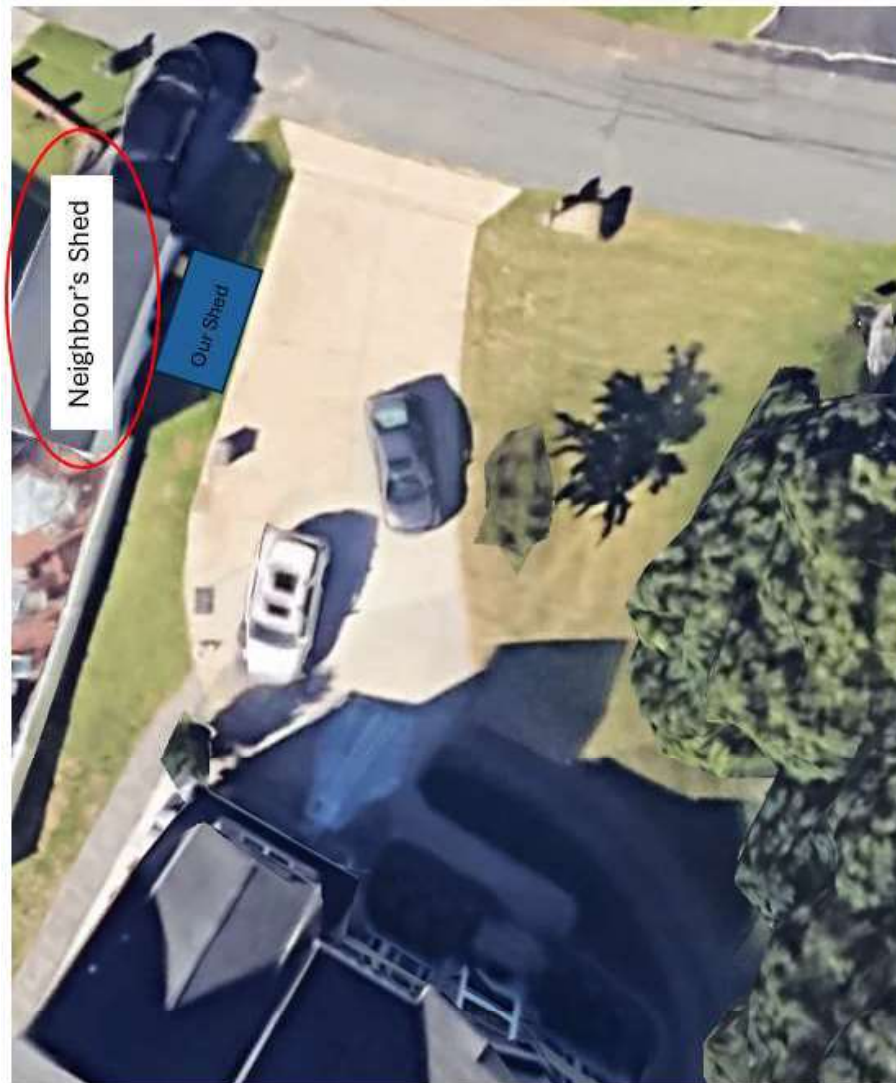


Pictures from Zillow at time of Purchase – OLD Shed was on waterfront. This shed has been removed and replaced with the new shed.

In 2024, Kevin and Jessica started looking to replace the current shed that was not in good condition. Kevin went to multiple locations for sheds and was informed sheds under 150 feet do not require a permit. Therefore, the new shed was purchased, and the old shed (pictured above) was demoed. During demo, it was identified the old shed's foundation was sitting on the current bulkhead and was not safe. Instead of rebuilding the shed on the bulkhead against the waterfront, Kevin and Jessica looked for a better spot where the shed that would not impact the watershed and be safe construction. The property has quite steep inclines making shed

locations difficult. Kevin and Jessica found a location next to the driveway near a neighbor's shed that seemed best for environmental and safety reasons.

New Shed Location in BLUE on above diagram



Google Maps – Our new shed location

Given our misunderstanding that 150 sq foot and under sheds did not require a permit, we paid to get the new shed installed in the location above. Several weeks later, a very nice inspector, Daniel Smith, came and discussed the situation and explained our misunderstanding given this was in the 1000-foot buffer. Note, it is not in the 100 ft buffer. He reviewed the property with us and recommended we also call the county to discuss the location of the shed. We did contact the county. He and the Planning and Zoning team both notionally agreed the new location was better for the watershed and there was not a better location on the property. Even with this, they still let us know both a permit and likely a variance would be required.

We promptly submitted the permit, and this is the variance to support the location of the shed.

Variance Justification

Based on our understanding, this variance request is required due to our proximity to our neighbor's property line and the property line near the road. As you will see from the diagram, our shed is lined up with our neighbors shed in terms of distance from the road. Depending on exact measurements, it is very close to the 7 foot buffer from the property line near the road, but would like to request 6 foot buffer to be safe. Our shed is off the property line approximately 3 feet but does not meet the 7 foot requirement. We had spoken to that neighbor prior to putting the shed there, as a courtesy. He agreed to the location prior to us placing it there.

The prior shed was also against both the front (waterfront) property line and the same neighbors side yard. Therefore, we believe the variance would provide a better situation for our neighbors, our safety, and the waterfront runoff that may occur from the previous shed directly on the waterfront.

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:

Date: **12/25/2024**

Tax Map #	Parcel #	Block #	Lot #	Section
0017	0188	0005	8	

Tax ID: **3000-0190-1560**

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) **Kevin Brillhart**

Project location/Address **7750 Rockanna Rd**

City **Pasadena** Zip **21122**

Local case number

Applicant: Last name **Brillhart** First name **Kevin**

Company **N/A**

Application Type (check all that apply):

Building Permit	<input type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Grading Permit	<input type="checkbox"/>	Other	<input type="checkbox"/>

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:

Place 14 x 8 shed on Rear of Property next to driveway. Shed replaces old 10x12 shed on waterfront.

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					112
LDA Area					
RCA Area					
Total Area					

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		1093
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		8
			Total Lot Coverage		1085

VARIANCE INFORMATION (Check all that apply)

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

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 ☐

Critical Area Narrative:

The project is to remove a 10X12 (120 sq ft) shed that is on the front property line and side property line within the 100 foot buffer and replace it with a 14x8 (112 sq ft) shed against the front driveway. This is outside the 100 foot buffer, but within the 1000 ft buffer.

- Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

Residential

- Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.

There are mostly shrubs on the property in flower beds and a row of large shrubs along the property line. There are no shrubs, vegetation, or trees impacted by this project.

- Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).

A prebuild shed is being delivered to the property and it is next to a grass area. There is no disturbance to the watershed.

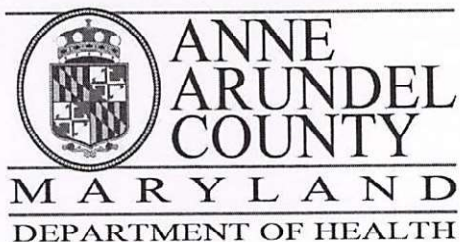
- Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.

The impervious surface reduced by 8 sq feet as the new shed of 112 sq feet replaced an old shed of 120 sq feet.

- If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.

There are steep slopes along the sides of the house per the topography diagram.

Thanks,
Kevin Brillhart




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

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 

DATE: May 19, 2025

RE: Kevin E. Brilhart
7750 Rockanna Road
Pasadena, MD 21122

NUMBER: 2024-0235-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 on-site sewage disposal and water supply system for the above referenced property. The Health Department has determined that the proposed request adversely affects the on-site sewage disposal and well water supply systems. The Health Department recommends denial of the above referenced request. The proposed shed must be 10' from the septic system; existing and future. See Perc Application T02032147.

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

cc: Sterling Seay



P.0188
Lot 6

7746

P.0188
Lot 7

7748

SKANNA RD

7750
P.0188
Lot 8

Tax Account Number: 300001901560

7754

P.0188
Lot: 10R