

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

APPLICANT: Mary Hegarty Nowlan
Timothy Brahmstedt

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0076-V

COUNCIL DISTRICT: 5

HEARING DATE: July 8, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (shed) with less setbacks than required and to perfect an accessory structure (shed) with less setbacks than required on property located at 44 Hatton Drive in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 12,0000 square feet of land and is located on the northwestern side of Hatton Drive and the southeastern side of an unimproved 20ft road. It is identified as Lot 4 of Block L in the Severna Park subdivision, Parcel 843 in Grid 7 on Tax Map 32. The property is zoned R5 – Residential District, and does not lie within the Chesapeake Bay Critical Area. It is currently improved with a one-story single family detached dwelling with a basement, a shed, and other associated facilities.

PROPOSAL

The applicants wish to perfect the placement of an existing garden shed (14' x 10', 11' in height) and propose to install a new workshop structure (28' x 14', 12' in height).

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that an accessory structure in an R5 District shall be set back a minimum of 40 feet from the front lot line. Because the property is a through lot¹, the existing garden shed is as close as 12 feet to the front lot line, and the proposed workshop will be as close as 8 feet to the front lot line, necessitating variances of 28 feet and 32 feet, respectively.

FINDINGS

The subject property is irregularly shaped and oversized for a lot in the R5 District with regard to the minimum lot area of 5,000 square feet for lots served by public sewer and the minimum lot

¹ § 18-1-101. Definitions.(85) “Lot, through” means a lot other than a corner lot or corner through lot with frontage on more than one road.

width of 50 feet². A review of the County's aerial photography shows an eclectic mix of lots and improvements in the neighborhood, with an unimproved road running through the block. Based on the site plan, the proposed post-construction coverage by structures will be 2,092 square feet, which is well below the 65% (7,800 square feet) maximum coverage by structures allowed under § 18-4-701.

Building permit B02434522, to construct a workshop, was submitted on March 21, 2025. Variance approval must be obtained prior to the permit being issued.

Agency Comments

The **Health Department** notes that the property is served by public water and sewer facilities, and has no objection.

Variance Criteria

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.

In this particular case, the property has two front lot lines, one to the southeast abutting Hatton Drive and one to the northwest abutting an unimproved road (a paper road). The paper road has remained unimproved since platted in 1954, contains dozens of large trees, and at this point, does not appear that it will ever be used for the passage of vehicles or persons. While there may be room on the property to shift the location of the accessory structures in order to meet the minimum front setback, it would be an unnecessary hardship to force the applicants to do so when that is functionally a rear lot line.

Because all of the properties in Block L abut the same wooded, unimproved road, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

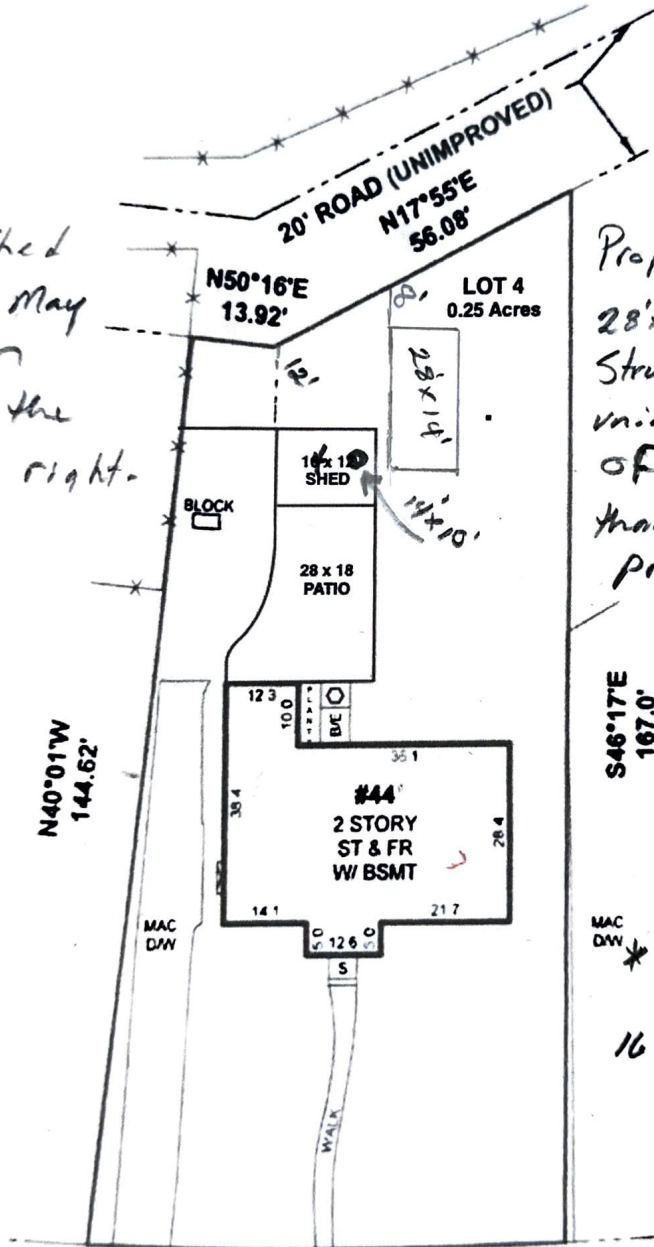
RECOMMENDATION

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 zoning variances to § 18-4-701 to allow accessory structures with less setbacks than required, as shown on the 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.

² Bill 72-24, effective July 1, 2025, modified the bulk regulations for dwellings in residential districts; specifically, in the R5 District, the minimum lot area was modified from 7,000sqft to either 10,000sqft if not served by public sewer or 5,000sqft if served by public sewer, the maximum coverage by structures was increased from 40% to 65% of the gross area, and the minimum width at the front building restriction line was reduced from 60ft to 50ft.

14'x10' Garden Shed placed on Site in May of 2024. Location is 12' away from the unimproved roadway right-of-way.



Proposed location for 28'x14' Pre-built, temporary Structure, 8' away from unimproved roadway right-of-way. And greater than 7' from adjacent property line.

- * 28'x14' Structure is 12' in height.
- * 14'x10' structure is 11' in height

* Primary dwelling is 16' at peak.

R=955.37'
A=80.0'

May 1, 2025

Variance Request

44 Hatton Drive, Severna Park MD 21146

To whom it may concern,

We are requesting permission for a prebuilt 28'x14' structure from Pine Creek Structures to be placed on a gravel pad on the rear of our property. We are seeking a variance due to the hardship of being a Dual Frontage property. We are requesting the placement of this structure to be 8' from its closest point to the edge of the 20' Unimproved roadway. (see site plan)

We would also be seeking an "After the Fact-Variance" for a 14'x10 shed in the rear of our property, used as a garden shed that was placed in May of 2024, also from Pine Creek Structure. This sits atop a gravel pad as well. At the time, I did reach out to the Olde Severna Park Improvement Association and was told a shed of that size was fine to be placed in this location. At that time, I had no idea of the required set back from the paper road. There is also a temporary fabric structure 14'x10' set upon the grass, being used currently to keep personal items out of the weather until we can place the requested larger structure from Pine Creek Structures.

We understand the right of way from the unimproved roadway and would certainly not place anything permanent in, or near its proximity. We are hoping that by going with a prebuilt/temporary structure... (that can be moved or removed in the event of any future Right-of-Way needs, or taken with us if we move.), that this request may be granted for both the 14'x10' and 28'x14' structures.

Based on adjacent and neighborhood properties having recent fences, structures and very old trees, on or near this right of way, we hope there is an opportunity for this variance to be granted.

Building Permit currently submitted- #B02434522

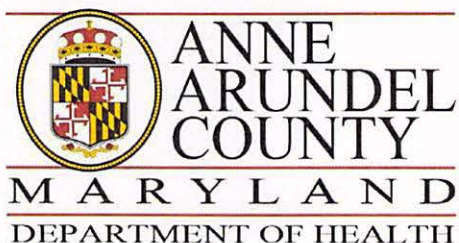
Status-

Plan Review -Approved per Jerry Lapid

Zoning Review -Revision Request-Pending

Thank you,

Tim Brahmstedt and Mary Nowlan



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 *BC*
Bureau of Environmental Health

DATE: April 28, 2025

RE: Tim Brahmstedt
44 Hatton Drive
Severna Park, MD 21146

NUMBER: 2025-0076-V

SUBJECT: Variance/Special Exception/Rezoning

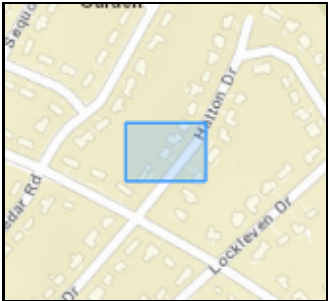
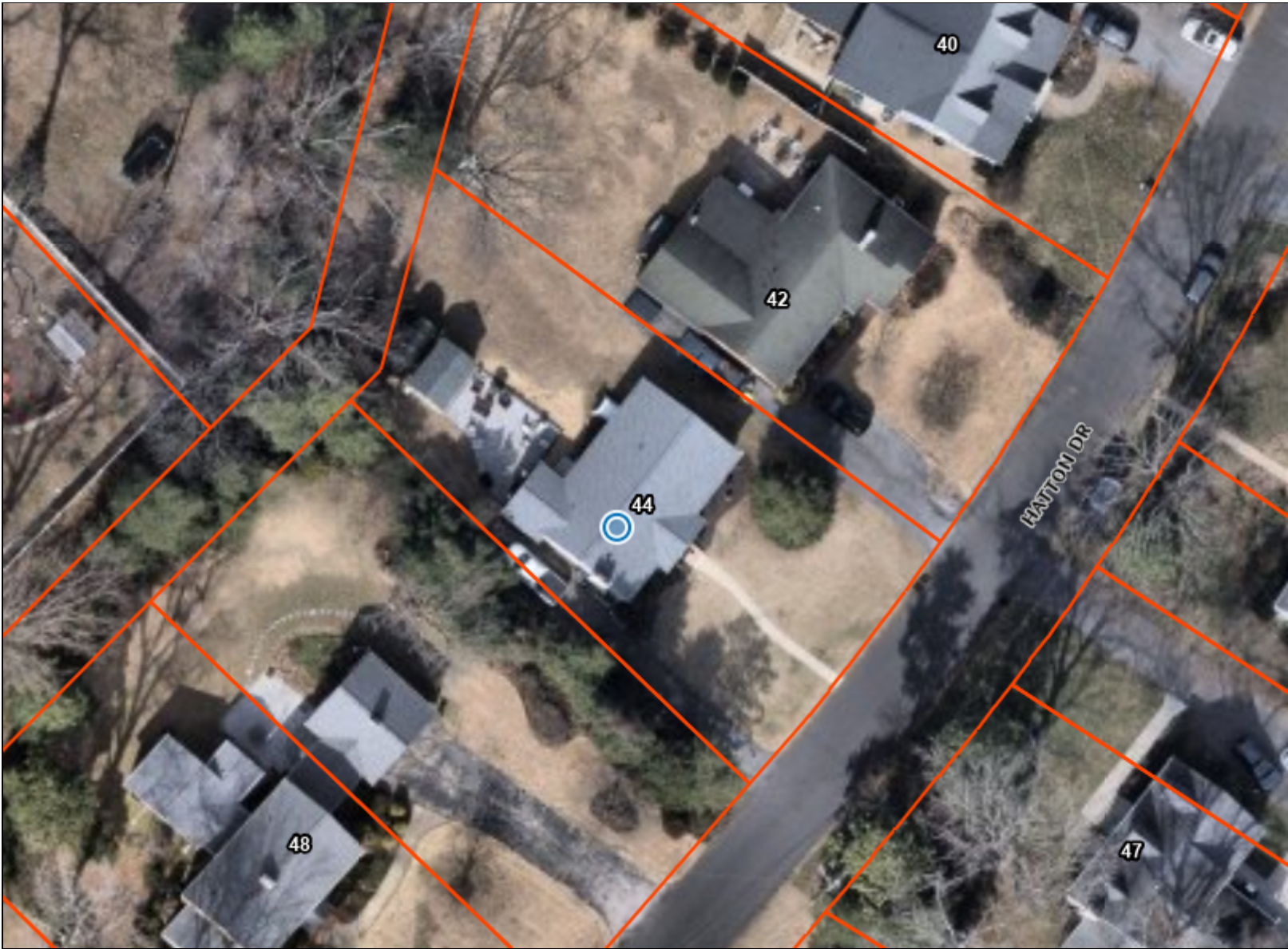
The Health Department has reviewed the above referenced variance to allow a pre0built Workshop 28x14 to be delivered and placed as far back on our property as possible. A pre-built/temporary structure, (that can be moved), or removed in the event of future right-of-way needs). Place this building on a gravel pad near the edge of the right of way in the rear of the property.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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

44 Hatton Drive (2025-0076)



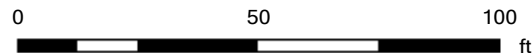
Legend

- Foundation
- Addressing
-
- Parcels
- Parcels - Annapolis City



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Nearmap



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes