

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

APPLICANTS: Sofia Del Carmen Ramirez
and Nestor Alvarez Moreno

ASSESSMENT DISTRICT: 4

CASE NUMBER: 2025-0084-V

COUNCILMANIC DISTRICT: 4

HEARING DATE: August 28, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicants are requesting a variance to perfect an accessory structure (shed) with less setbacks than required on property located at 339 Marganza South in Laurel.

LOCATION AND DESCRIPTION OF SITE

The subject property has an area of approximately 6,959 square feet and is located with 61 feet of road frontage on the east side of Marganza South, north of Sudlersville South. The site is shown on Tax Map 19, Grid 23, as Parcel 175, Lot 30 in Section 5 of the Maryland City subdivision.

This property is zoned R5-Residential District. The property is currently improved with a one-story single-family detached dwelling, a swing set, a patio, and the subject shed. The property is served by public water and sewer.

PROPOSAL

The applicants seek this after-the-fact variance to perfect a shed, 12.42 feet wide by 25.17 feet deep by 12 feet high, that was constructed without the benefit of a building permit.

REQUESTED VARIANCE

§18-4-701 of the Anne Arundel County Code requires that an accessory structure in an R5 District that exceeds 64 square feet in area and is eight feet or greater in height be set back a minimum of seven feet from the side lot line and seven feet from the rear lot line. The shed has been constructed as close as 0.79 feet from the northern side lot line and 4.44 feet from the rear lot line. As such, variances of 7 feet and 3 feet are required.

FINDINGS

This Office notes that the property meets the area and width requirements for a lot in the R5 District.¹ The dwelling was built in 1963 according to State Tax Assessment Records. There is room on the lot to locate the shed without the need for a variance. Denial would not create a hardship in the use of the lot.

The shed has been newly constructed in a similar location to a prior smaller shed. The current shed is the subject of an open violation. Case B-2024-715 was opened December 16, 2024 for “Accessory Structure - Shed over 150 sf”.

A review of the County aerial photograph from February 2025 shows primarily cookie-cutter rectangular lots and homes in this community. Accessory structures, particularly sheds, are common and have often been constructed close to property lines. Sheds less than 64 square feet are not required to meet setback requirements and can be placed next to lot lines. The subject shed can be seen in the photograph.

The property was the subject of a prior variance case 1999-0175-V which granted approval for a carport with less setbacks than required. A few variance cases have been found in the neighborhood for sheds with less setbacks than required: case 2016-0184-V at 337 Brock Bridge Road was granted September 16, 2016; and case 2011-0198-V at 338 Park Hall South was granted September 19, 2011.

The letter of explanation states that the applicant would like to replace the existing nonconforming shed. Although the letter indicates that the shed is ‘in-kind replacement’ the definition of in-kind replacement means the same location that is smaller than or identical to the original structure. The shed that has been constructed is much larger than the shed that was replaced. The letter explains that accessory structures that are nonconforming as to setbacks are common in the community.

The **Health Department** commented that the property is served by public water and sewer facilities and there is no objection to the request.

The **Cultural Resources Section** commented that this property is a contributing resource in the Maryland City Historic District (AA-2542), documented on the Maryland Inventory of Historic properties. The proposed presents no adverse effect to the district or contributing resource.

Approval of the variance will not alter the essential character of the neighborhood as accessory structures are common within this community and many appear to be close to lot lines. Approval of the variance will not impair the appropriate use or development of the adjacent property as the three adjacent properties are already developed and the subject property is surrounded by a fence. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

¹ Bill 72-24 became effective July 1, 2025 which changed the minimum lot size of a lot in the R5 District that is served by public water and sewer to 5,000 square feet.

However, 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 the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

There are no physical conditions that are creating a hardship to locating the shed within the confines of the code. The lot is of adequate size and width for the district and there are no trees, wells, septic systems or other physical hardships creating the need for the shed to be in the current location. There is room on the property to locate the shed to meet setbacks without the need for a variance. Therefore, the variance request is unwarranted and cannot be considered to be the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under § 18-16-305 of the County Code, the Office of Planning and Zoning recommends **denial** of the variance request to § 18-4-701 of seven feet to the side lot line and three feet from the rear lot line to construct the shed 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.



May 5, 2025

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST – SHED REPLACEMENT
MORENO/RAMIREZ PROPERTY
339 MARGANZA SOUTH
LAUREL, MD 20724

Dear Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 18-4-701, R-5 Bulk Regulations which states in part that there is a minimum side lot line setback of 7', and a minimum rear yard of 7'. This request is to allow the owner to replace an existing shed in kind. This lot meets the definition of a buildable lot, subject to the approvals of the County and consists of 6,959 square feet in area. The site is served by public water and sewer and is accessed by Marganza South in Maryland City. The owner wishes to replace the shed which is in disrepair. Access to the site will remain from Marganza South, a County owned Public Road in the community. The site drains to the right of way of Marganza South and abuts developed properties to the north, south and east, with Marganza South being to the west. The site does not contain steep slopes, is zoned R-5 and is not located in the Chesapeake Bay Critical Area.

The applicant wishes to replace the existing non conforming shed. The previous shed did not meet the side and rear setbacks. Since the shed is being replaced on the same footprint, no additional setback encroachment are anticipated. The east side of the shed will be located as close as 4.44' to the rear property line, necessitating a 2.6' variance request. The north side of the shed will be as close as 0.79' from the north side lot line, necessitating a 6.21' variance. The owner started the replacement and was told to get permits which will need a variance.

The owner believed he could replace the shed in kind without a permit since he was replacing the shed in the same footprint of the previous shed. A review of aerial topo of the neighborhood indicates this non-conforming setback scenario is common in the community. There are several sheds that appear to be non conforming as to setbacks. This shed, as it is a replacement will not alter the character of the neighborhood. No tree clearing is necessary and the bulk of the disturbed area is strictly across the yard on the private lot for access to the area of work.

As the disturbance is less than 5,000 sf, a grading permit should not be required and the project is exempt from meeting stormwater management requirements.

This plan meets the intent of the variance standards in Article 18-16-305(a) as follows:

- 1. Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article;**

The subject property is 6,959 square feet in size, and it is zoned R5. The lot is undersized for an R5 lot, which has a minimum lot area of 7,000 square feet per 18-4-701. The proposal is to replace the existing shed in the same footprint, which makes sense. This is the location known to neighbors, and will not affect the neighbors and there possibility of developing their property.

- 2. Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.**

The exceptional circumstances and practical difficulties in replacing the shed have been noted in #1 above to a large degree. The old shed was failing and the owner placed the replacement in the same footprint. It does not appear there is a reasonable location elsewhere to meet setbacks, and allow the owner to keep what he has existing.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

- 1. The variance request is the minimum to afford relief.**

The request is the minimum to allow for replacement of the existing structure in its existing location.

- 2. i. This variance will not alter the essential character of the neighborhood.**

Maryland City is a community with an eclectic mix of house styles and sizes, with accessory structures in varied locations, including, it appears from a review of aerial, locations that do not meet zoning setbacks. The proposed location of the shed as an in kind replacement is common throughout the community.

- ii. This variance will not impair the use of adjoining properties.**

The proposal will not impact neighbors. The location of the shed will be the same as its current location.

- iii. This Variance will not reduce forest cover.**

No tree clearing is required and the site is outside the critical area.

- iv. No work will be performed contrary to approved clearing practices.**

This proposal removes no tree cover, therefore this permit must meet those requirements.

- v. The project will not be detrimental to the public welfare.**

The request is to simply replace a failing shed in its current location. In this case, the replacement will be a public welfare benefit since the shed will not continue to fail and injury someone as it degrades.

| As this proposal is for construction of a replacement shed, disturbance has been minimized. A grading permit and stormwater management will not be required. It appears that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work. In closing, the variances requested are the minimum necessary to afford relief and are not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 410-266-3212.

Sincerely,
Messick Group, Inc
T/A Messick and Associates

Mike Gillespie

Mike Gillespie
Project Manager




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
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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 

DATE: June 11, 2025

RE: Sofia Del Carmen Ramirez
339 Marganza South
Laurel, MD 20724

NUMBER: 2025-0084-V for B2024-715

SUBJECT: Variance/Special Exception/Rezoning

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

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

2025-0084-V - for B-2024-715

Menu

Cancel

Help

Task Details OPZ Cultural Resources

Assigned Date

06/10/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This property is a contributing resource in the Maryland City Historic District (AA-2542), documented on the Maryland Inventory of Historic Properties. The proposed presents no adverse effect to the district or contributing resource.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

07/01/2025

Assigned to Department

OPZ Cultural Resources

Status Date

06/24/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

Map Title



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City
- Planning
- Zoning



This map is a user generated static output from an Internet mapping site and is for reference only.
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Nearmap

Notes



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

