

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

APPLICANT: Lee Goodman

ASSESSMENT DISTRICT: 7

CASE NUMBER: 2025-0112-V

COUNCIL DISTRICT: 7

HEARING DATE: September 2, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a variance to allow an accessory structure (detached garage) on a lot without a principal structure and with less setbacks than required for property located at 1363 McDonald Road, in Shady Side.

LOCATION AND DESCRIPTION OF SITE

The subject property is located on McDonald Road, approximately 400 feet northwest of E. West Shady Side Road, within the McDonald Subdivision (Lot 19, Parcel 44, Grid 4, Tax Map 69).

This non-waterfront property is approximately 3,500 square feet and generally rectangular in shape. It is zoned R1 – Residential and located entirely within the Chesapeake Bay Critical Area’s Resource Conservation Area (RCA). It is only improved with a detached 16’ x 20’ garage.

PROPOSAL

The applicant is seeking approval to replace an existing accessory structure, a garage, on a lot with no principal structure. At approximately 4 feet from the west side property line and 27 feet from the front property line, the existing garage does not comply with current R1 setback requirements. The proposed 16’ x 20’ replacement garage is in the same location and matches the existing structure’s footprint. However, at a ceiling height of 9 feet tall, the proposed ceiling is 2 feet taller than that of the existing garage. The applicant’s request for additional height is to provide added storage. As such, this does not constitute in-kind replacement.

REQUESTED VARIANCES

§ 18-2-204(c) of the Anne Arundel County Code requires accessory structures to be located on a lot with a principal structure. The proposed accessory structure location necessitates a variance to this section of the Code.

§ 18-4-701 of the Anne Arundel County Code requires accessory structures to be located at least 15 feet from the side property line and 50 feet from the front property line. The proposed structure is 4 feet from the side property line and 27 feet from the front property line. This location necessitates variances of 11 feet and 23 feet, respectively.

FINDINGS

At approximately 3,500 square feet, the property is substantially undersized for the R1 district, which requires a minimum lot size of 40,000 square feet. Through review of County aerial imagery it has been determined that the existing garage has been in its current location since at least 1998.

Along the south side of this approximately 550-foot stretch of McDonald Road, there are no principal structures - only accessory structures. These include the subject property's accessory garage, an off-site garage and shed approximately 50 feet to the east, and another off-site garage approximately 210 feet to the west. These additional off-site accessory structures are owned by surrounding neighbors, making off-site accessory structures common for this area.

Agency Comments

The **Health Department** has no objection to the variance request.

Variance Criteria

To be granted a variance it must be found that because of 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; 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.

The property is undersized for the R1 district, but matches the size of surrounding and nearby properties. County aerial imagery confirms the existing garage has been in its current location for over 25 years. The proposed replacement garage will occupy the exact same footprint as the existing garage. Since the proposed garage's ceiling height is taller than the existing, the new garage does not constitute in-kind replacement. The proposed ceiling of height of 9 feet is common for modern garages. Garages with 10 foot ceilings are also not uncommon. The additional height will provide more storage than the current dilapidated garage. With the area on the south side of McDonald road being designated as Resource Conservation Area, limiting potential development on adjacent properties, the proposed added garage height creates little impact on surrounding properties.

Based on these factors, the request can be considered the minimum necessary to afford relief. As such, the granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it 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 the requested variances to § 18-2-204(c) and §

18-4-701 to allow an accessory structure to be located on a lot without a principal structure, and an accessory structure (garage) with less setbacks than required.

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.

SITE PLAN

Permit No: B02436084

SCALE: 1"=20'

IMPERVIOUS TABULATIONS

EX. IMPERVIOUS

EX. GARAGE = 320 SQ.FT
TOTAL = 320 SQ.FT
OR 08.9%

PROPOSED IMPERVIOUS = 0 SQ.FT

GARAGE REPLACEMENT WILL COMPLY
WITH ART. 18-15-102(C)

NOTES:

1. SITE AREA: 3.562 SQ.FT OR 0.08 Ac
2. ZONING: R-1
3. SETBACKS: FRONT: 50' REAR: 15'
ACC. SIDE: 15'
4. CRITICAL AREA: LDA
5. EX. GARAGE HEIGHT: 12'
6. REPLACEMENT GARAGE HEIGHT: 13.5'
7. PROPOSED FLOOR AREA: 0 SQ.FT
8. FEMA ZONE: N/A

OWNER INFO:

LEE & MINA GOODMAN
6104 MAYWOOD AVENUE
BALTIMORE, MD 21209
PHONE: 443-386-5081

CONTRACTOR INFO:

COLONIAL REMODELING
P.O. BOX 485
SHADY SIDE, MD 20764
PHONE: 410-320-4436

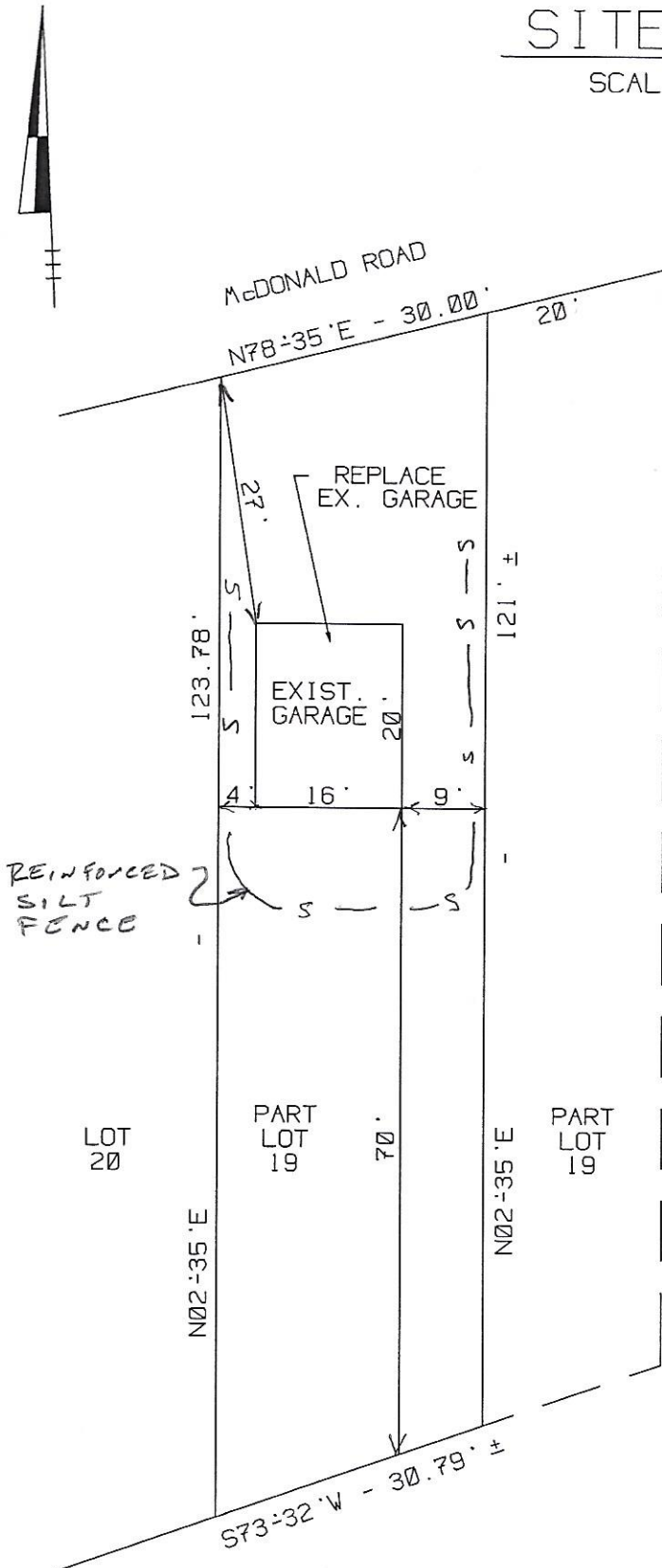
VARIANCE REQUESTS

1. 18-2-204(c) - ACCESSORY ON DIFFERENT LOT
1. 18-4-501 - 23' FRONT SETBACK
11'6" SIDE SETBACK

MCDONALD SUBDIVISION

PART LOT 19

1363 McDONALD ROAD
SHADY SIDE, MD 20764
TAX ID# 7-518-01289400



06 June 2025

ANNE ARUNDEL COUNTY
DEPT. OF PLANNING & CODE ENFORCEMENT
Heritage Office Complex - 2662 Riva Road
Annapolis, MD 21401

SUBJECT: 1363 MCDONALD ROAD
Shady Side, MD, 20764
Part Lot 19; McDonald Subdivision
VARIANCE: ACCESSORY STRUCTURE/FRONT & SIDE SETBACKS

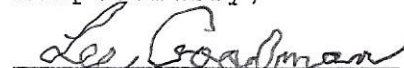
The subject non-conforming property, located across the road from the principal residence, comprises an area of 3,562 Sq.Ft and includes a 16' x 20' non-conforming garage. Existing setbacks are as follows 27' front, 4' & 9' sides & 70' rear. The site is Zoned R-1, in the LDA critical area and not in a Flood Zone.

A previous permit to replace the dilapidated structure was approved via B02276599. Due to circumstances, construction was not completed and the permit expired. Upon resubmittal (B02436084) comments dictated a variance to the general provisions. Since the variance process must be navigated and keeping the same footprint, we would like to add 2' in ceiling height (9' proposed) for better storage. This necessitates additional setback variances per bulk regulations. Based on the above, variances per Art. 18-2-204(c) & 18-4-501 are required. Therefore, a Variance to have an accessory on a non adjacent lot, along with setback variances of 23' front & 11' & 6' side is hereby requested and is believed well justified by the following:

- o The circa 1945 storage garage was built prior to existence of the zoning regulations. Strict enforcement of the current ordinance would prohibit any replacement. The additional 2' in height produces minimal intensification of it's current non-conformance.
- o Due to it's long existence, the replacement garage will not be out of the existing character of the neighborhood.
- o Other than requested variances, this proposal meets all other setback & critical area criteria.
- o The proposal is in the same footprint and will be in harmony with neighborhood character. The variance being requested are believed to afford the minimum code relief needed.

Based upon the above, it is hereby requested that this variance be granted. Should there be a need for additional information, please contact me at (443) 386-5081.

Respectfully,


Lee Goodman

This Deed, MADE THIS 3rd day of March

in the year one thousand nine hundred and Ninety Five by and between

Raymond K. Dukes, surviving joint tenant of Helen Millios Dukes, Grantor

of Anne Arundel County, Maryland, parties of the first part, and

Lee Goodman and Mina Goodman, husband and wife, Grantees, parties

of the second part.

WITNESSETH, That in consideration of the sum of Forty Thousand and 00/100 DOLLARS (\$40,000.00), the actual consideration paid or to be paid, and other good and valuable considerations, the receipt of which is hereby acknowledged;

the said

Raymond K. Dukes, surviving joint tenant of Helen Millios Dukes,

do es grant and convey to the said

Lee Goodman and Mina Goodman, husband and wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

personal representatives/survivors and assigns, in fee simple, all

those lot s of ground situate in Anne Arundel County, Maryland,

and described as follows, that is to say:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

ROBERT P. DUCKWORTH
AA CO. CIRCUIT COURT
RECORD FEE 20.00
RECORD TAX 280.00



TRANS TAX 200.00
CNTY TAX 400.00
RL PROP 5.00
#200710 C003 R03 T13:37
03/09/95

ROBERT P. DUCKWORTH
AA CO. CIRCUIT COURT

7518-0128-9400
ACCT. 7518-0129-0800
ALL LIENS ARE PAID AS
OF 3-9-95 A.A. COUNTY
CONTROLLER BY *[Signature]*

RECEIVED FOR TRANSPORT
State Department of
Assessments & Taxation
for Anne Arundel County
WILLIAM P. BACCHUS

[Signature] Date 3/9/95

EXHIBIT APARCEL 1:

BOOK 6956 PAGE 333

All that piece and parcel of land situate in the 7th Election District of Anne Arundel County, Maryland, distinguished as Lot #19 on the plat of the subdivision of John L. McDonald's property, made by J. Revell Carr, Surveyor, in August 1932, same being a part of the property which was conveyed to the said John L. McDonald by Thomas Somerville and Anna May Somerville, his wife, by deed dated August 28, 1922, and recorded among the aforesaid land records in Liber W.N.W. No. 89, Folio 131.

SAVING AND EXCEPTING from said Lot #19, nevertheless, the east twenty (20) feet by the full depth thereof of said Lot #19 conveyed by Raymond K. Dukes and Helen Millios Dukes unto S. Eugene Godden and Mildred L. Godden by Deed dated May 15, 1946, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber JHH 365, folio 230.

BEING a part of that property conveyed by Catharine M. Fennell and Aubrey B. Fennell unto Raymond K. Dukes and Helen Millios Dukes by Deed dated October 21, 1945, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber JHH 342, folio 304. The said Helen Millios Dukes having since departed this life on March 14, 1981, leaving Raymond K. Dukes as surviving joint tenant.

PARCEL 2:

BEGINNING for the same at a point on the South side of a fifteen foot road, laid down on a plat made by J. Revell Carr, surveyor, August, 1932, said point being distant South 78 Degrees 35 Minutes West 300 feet from an iron pipe set at the intersection formed by the West side of a roadway to the East, and the South side of said 15 foot road; and running from thence along the South side of said 15 foot road, South 78 Degrees 35 Minutes West 60 feet; thence leaving said last mentioned road and running with the Eastern boundary line of Lot 21 adjoining hereto on the West as shown on said plat, South 2 Degrees 35 Minutes West 129.37 feet to the Southern boundary line of the entire tract; thence leaving said Lot 21 and running the part of said last mentioned boundary line, North 73 Degrees 32 Minutes East 61.59 feet; thence leaving said last mentioned boundary line and running with the Western line of Lot 19 adjoining hereto on the East, North 2 Degrees 35 Minutes East 123.78 feet to the beginning; a copy of said plat dated August, 1932 being recorded among the Land Records of Anne Arundel County, Maryland in Liber J.H.H. 327, Folio 330.

BEING the same property conveyed by S. Eugene Godden and Mildred L. Godden unto Raymond K. Dukes and Helen Millios Dukes by Deed dated May 29, 1946, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber JHH 365, folio 241. The said Helen Millios Dukes having since departed this life on March 14, 1981, leaving Raymond K. Dukes as surviving joint tenant.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said

Lee Goodman and Mina Goodman, husband and wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

personal representatives/successors
XXXXXXXXXX

and assigns, in fee simple.

AND the said party of the first part hereby covenants that he/she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she will warrant specially the property hereby granted; and that he/she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor

Test:

Raymond K. Dukes (SEAL)
Raymond K. Dukes

(SEAL)

STATE OF MARYLAND, Anne Arundel County to wit:

I HEREBY CERTIFY, That on this 3rd day of March, in the year one thousand nine hundred and ninety five, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Raymond K. Dukes

known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be his/her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Patricia J. Banger
Notary Public

My Commission expires: April 1, 1996

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Sharon J. Banger
(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)

This plat is a reconstruction of the plat.
and survey made by J. Carson Bousch, May
26, 1922. For title see deed to John L.
McDonald, Aug. 28, 1922, W.M.W. 89-131.
Hiso Equity No. 1370.

Submitted For John L. McLeod.
 Shady Side.
 7th, Dixie H. Co. Md.
 August 1920 - Scale 1" = 50'

Angle Post.

**BEST AVAILABLE
ORIGINAL**

06 June 2025

ANNE ARUNDEL COUNTY
DEPT. OF PLANNING & CODE ENFORCEMENT
Heritage Office Complex - 2662 Riva Road
Annapolis, MD 21401

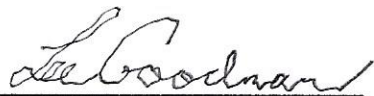
SUBJECT: 1363 MCDONALD ROAD
Shady Side, MD, 20764
Part Lot 19; McDonald Subdivision
VARIANCE: ACCESSORY STRUCTURE/FRONT & SIDE SETBACKS
CRITICAL AREA REPORT

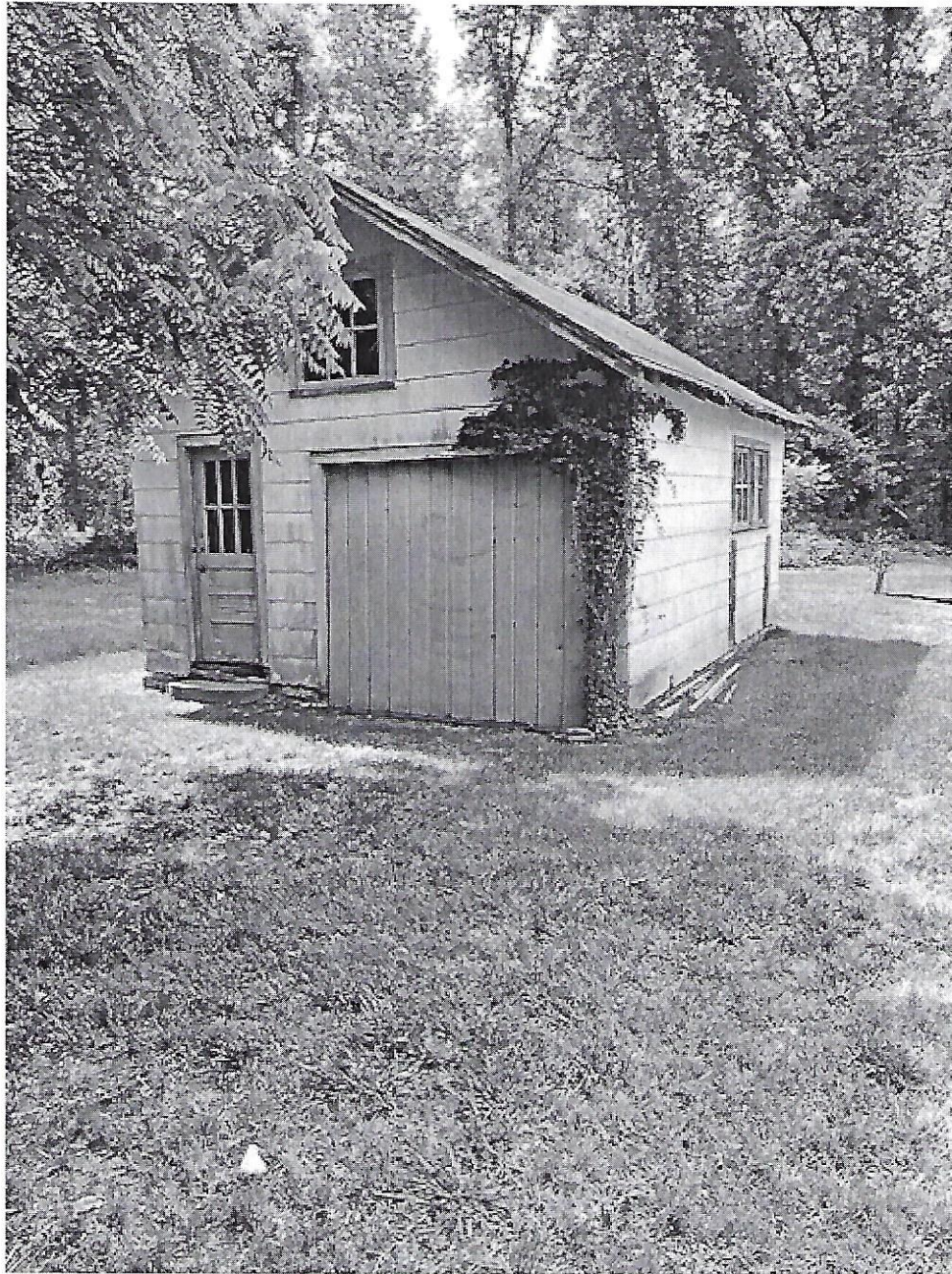
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The existing lot is currently being maintained as a lawn. The existing garage to be replaced comprises 320 sq.ft (0.89% of site area. No additional lot coverage is proposed. The proposal does not require removal of any trees.

Respectfully,


Lee Goodman



1363 McDONALD RD
SUBJECT REPLACEMENT

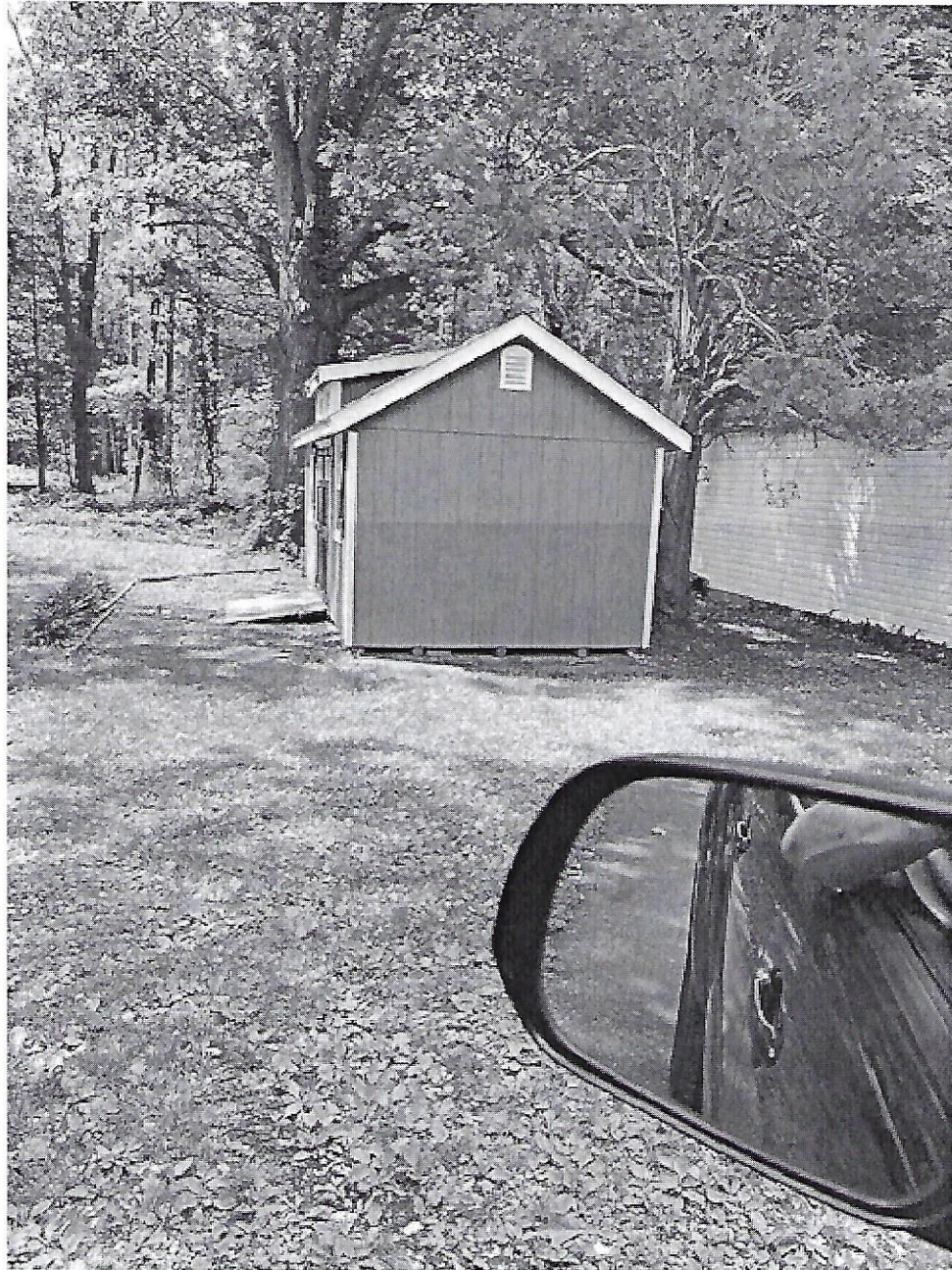


1364 McDONALD ROAD
LOT 18 (ACROSS FROM PRINCIPAL RES.)

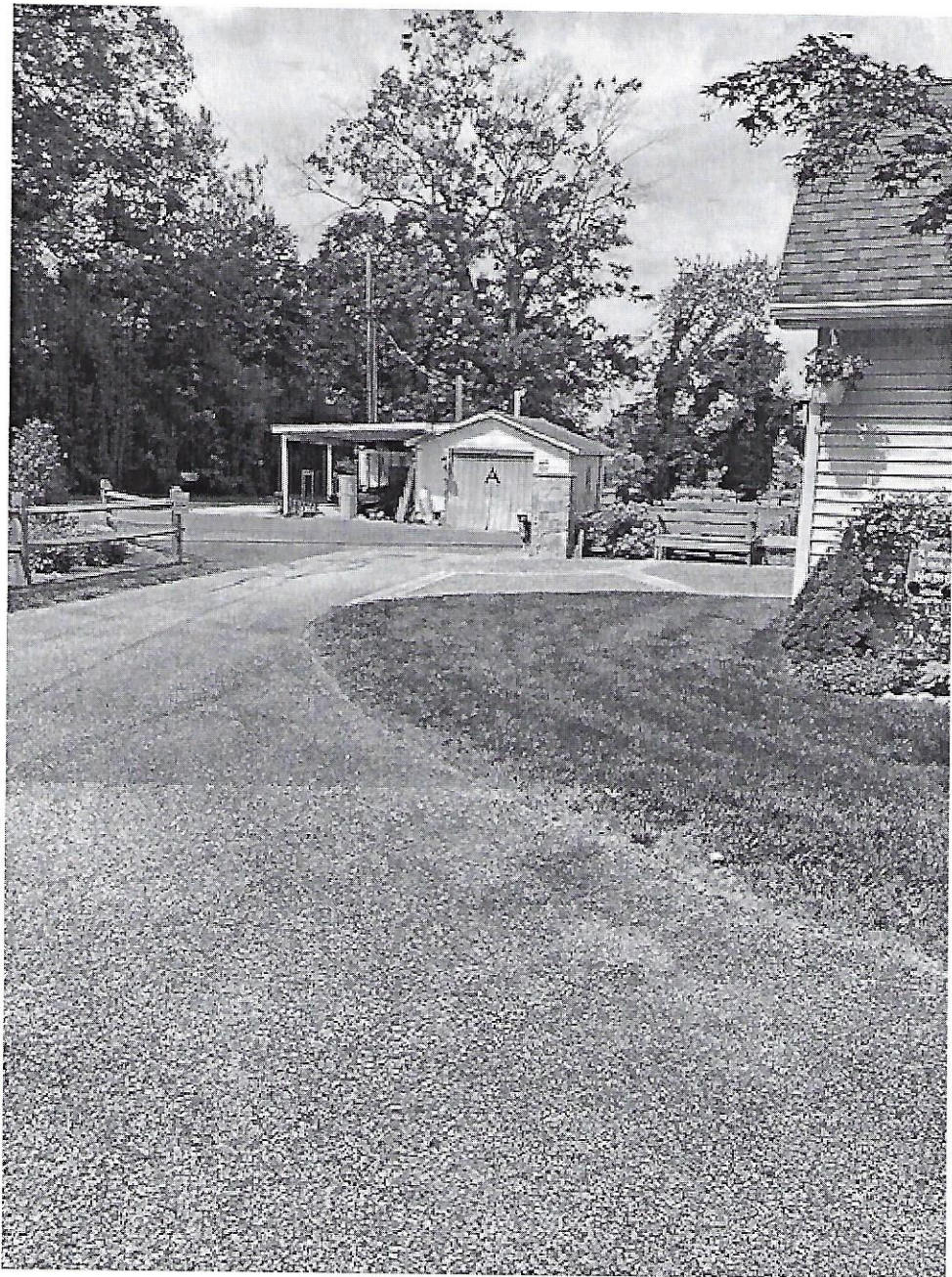


8x10±
SHED

1367 McDONALD RD

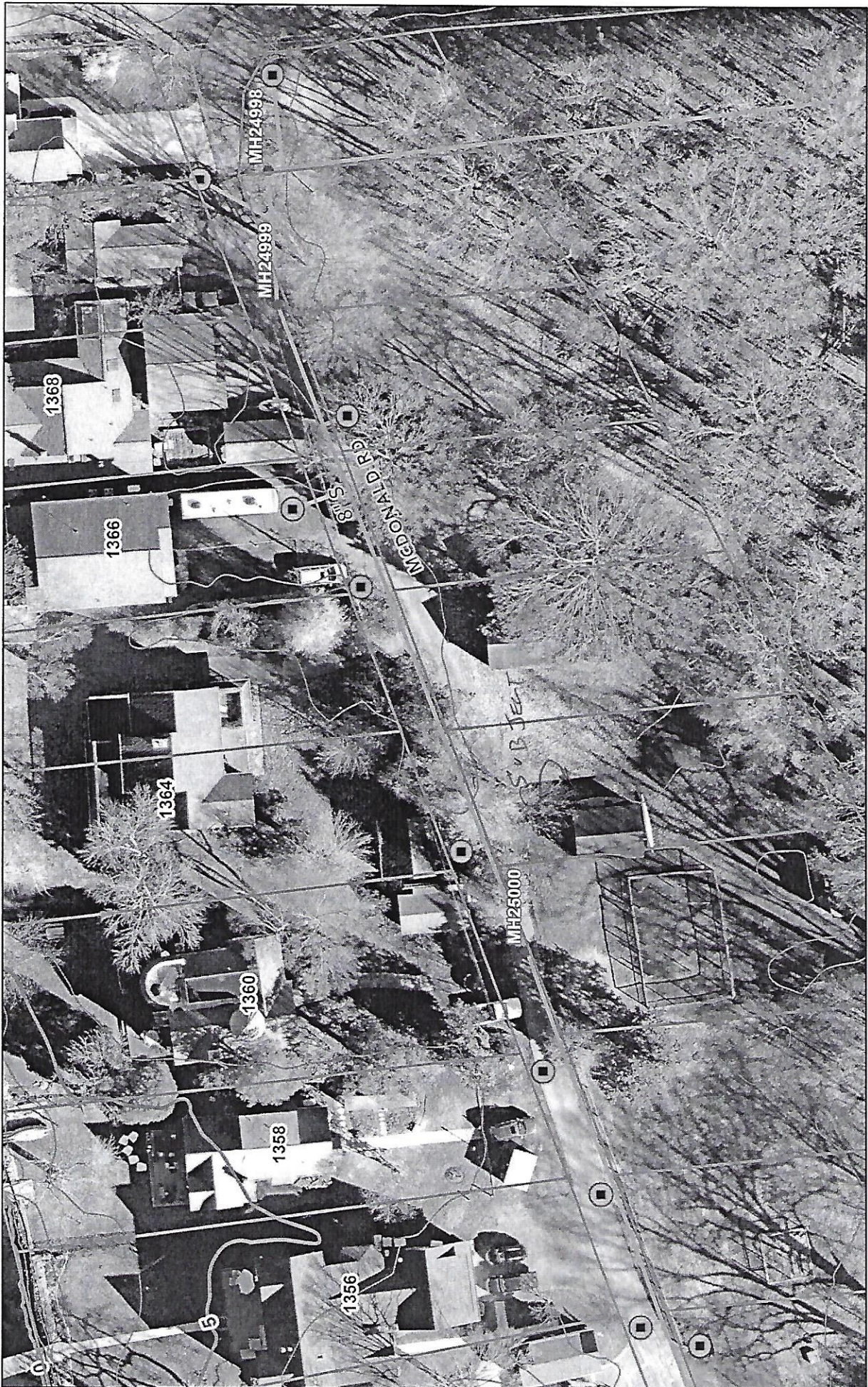


1367 McDonald Road



1352 McDonald Road

Anne Arundel County Engineering Record Drawing and Monuments



6/9/2025, 11:10:11 AM

○

Address Points

□

Parcels

●

Sewer Manholes

○

Sewer Cleanouts

—

Sewer Mains

—

Gravity

—

Sewer Service

—

County Boundary

2024 Photos

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Index

—

Intermediate

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Local Road Label

■

Blue: Blue

■

Red: Red

■

Green: Green

1" = 50'

0 25 50 100 ft

0 5 10 20 m

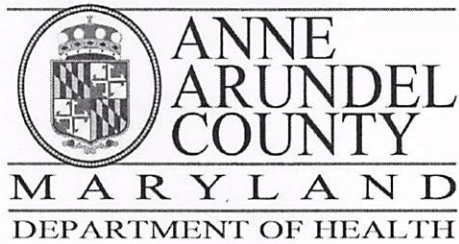
▲

1:720

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Anne Arundel County

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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: June 25, 2025

RE: Lee Goodman
1363 McDonald Road
Shady Side, MD 20764

NUMBER: 2025-0112-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (detached garage) on a lot without a principal structure and 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

1363 McDonald Rd.



Legend

Foundation

Parcels



Parcels - Annapolis City



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.

none



0 35 70
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes