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

**APPLICANT:** Richard Kaschner **ASSESSMENT DISTRICT:** 3

CASE NUMBER: 2025-0116-V COUNCIL DISTRICT: 3

**HEARING DATE:** September 2, 2025 **PREPARED BY:** David Russell

Planner

#### **REQUEST**

The applicant is seeking a variance to perfect an accessory structure (shed) with less setbacks than required for property located at 522 Sylview Drive in Pasadena.

#### **LOCATION AND DESCRIPTION OF SITE**

The subject property is located on Sylview Drive, approximately 250 feet south of James Road, within the Sylvan View on Magothy neighborhood (Lot 3, Parcel 101, Grid 21, Tax Map 25).

This non-waterfront property is approximately 15,000 square feet and rectangular in shape. It is zoned R2 – Residential and located entirely within the Chesapeake Bay Critical Area's Limited Development Area (LDA). It is improved with a two-story single family dwelling with a rear deck, detached garage, and 12' x 16' (x 12' tall) shed in the rear.

### **PROPOSAL**

The applicant is seeking after-the-fact approval for the location of an existing accessory structure (shed) in the rear yard. The existing structure is located approximately 2 feet from the side property line and 3.5 feet from the rear property line.

### **REQUESTED VARIANCES**

§ 18-4-601 of the Anne Arundel County Code requires accessory structures to be at least 7 feet from side and rear property lines. The existing structure is currently 2 feet from the side property line and 3.5 feet from the rear property line. This location necessitates variances of 5 feet and 4 feet, respectively.

### **FINDINGS**

At 15,000 square feet, the property is less than the minimum required R2 size of 20,000 square feet (if not served by public sewer). The lot size and rectangular shape closely matches that of surrounding properties.

The applicant's letter explains that there was an older shed on the property when the home was purchased in 2013. The existing shed, which is the subject of this variance application, replaces

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the older, damaged shed that was previously located in the same spot. Both the applicant's letter and County aerial imagery confirm that the prior shed had been in this location since at least 2005. The proposed shed location is near the northwest corner of the property, in the rear yard.

Including the subject property, 4 rear yards converge at the subject property's northwest corner. Through review of County aerial images and County mapping, it appears that all four of these properties have sheds on their respective properties, located near this convergence point. Using measurement tools from the County mapping system, it appears none of these 4 existing sheds meet the minimum required side and rear setbacks for accessory structures.

### **Agency Comments**

The **Health Department** has no objection to the variance request since the proposed request does not adversely affect the on-site sewage disposal and well water systems.

#### 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 of similar size to the neighboring R2 properties and has no particularly unique features that differ from nearby properties. The verified existence of the previous shed, in the same location as the existing shed, makes the variance request akin to in-kind replacement. The previous shed was on the property for approximately 20 years, in the existing shed's current location. The original shed was placed in this location prior to the applicant's acquisition of the property. All four properties converging at the subject property's northwest corner, where the shed is located, have sheds and fenced in rear yards. Although non-compliant with R2 accessory structure setback standards, the existing shed's placement closely aligns with the shed placement on adjacent properties. The existing shed is located only near other sheds, separated by fencing, and creates little visual 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 § 18-4-601 to allow an accessory structure (shed) with less setbacks than required (2 feet side setback, 4 foot rear setback).

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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.

Anne Arundel County

Attn: Zoning Administration/Variance

Applicant/Property Owner: Richard Kaschner 522 Sylview Dr. Pasadena, MD 21122

Letter of Explanation for variance application

I am requesting a variance in reference to the placement of my shed on my property. I learned that the setback requirements state the shed must sit 7 feet from the side and rear of the property lines. The shed that I had started constructing in November 2024 was constructed in the same footprint as the shed I had to remove that was damaged from trees falling onto it and erosion. The newly constructed shed is 12ft.x16ft. with a height of 12ft at the peak. The shed that was replaced was there when we purchased the home in 2013. I am requesting the shed remain in its current location. The setbacks are currently 2 ft. from the side and 3.5ft. from the rear. This request is all being made for the following reasons:

- The newly constructed shed was placed in the same footprint as the original shed which sat in that location for at least 15 years.
- The shed currently sits in line with the shed on the property to the rear of mine, as well as the property to the right of that one, and the property to the right of mine.
- The current position of the shed is also consistent with several other sheds in the community.
- The area where the shed sits is the only level area in the rear yard. Modifications to the yard or shed would have to be made to move it.
- To be in compliance with the current setbacks would also place the shed inside the recommended 10ft of clearance from the septic drain fields in the rear yard.
- Moving the shed can not be completed with traditional "shed moving" equipment due to the weight of the equipment and the location of existing septic drain fields.

Thank you for you consideration into this matter.

Richard Kaschner

1032 Return to:

Richard Kaschner

Elizabeth Kaschner

522 Sylview Diwe
Pasadena, MD 21122

BK 2 b 5 8 5 PG 3 7 7

LR - Deed (with Taxes) Recording Fee Grantor/Grantee Name: Connell/Kashner Reference/Control #: LR - Deed (with Taxes) Surcharge LR - Additional Recording 0.00 linked LR - Deed State Transfer Tax 2,050.00 SubTotal: 2,110.00 Total: 2,170.00 #1957128-1 08/30/2013 Ø2:38 CCØ2-KS #1957128 CC0501 -Anne Arundel County/CC05.01.09 -

Register 09 15

Lakeside Title Company File No. MD10315 Tax ID # 03-757-03289800

This Deed, made this \_\_\_\_\_ day of July, 2013, by and between Patrick J. Connell and Angela M. Connell, Formerly known of record as Angela M. Jackson, GRANTOR(S), and Richard Kaschner and Elizabeth Kaschner, GRANTEE(S).

# - Witnesseth -

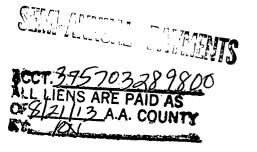
That for and in consideration of the sum of Four Hundred Ten Thousand Dollars and No Cents (\$410,000.00), the receipt whereof is hereby acknowledged, the said Grantor(s) do grant and convey to the said Richard Kaschner and Elizabeth Kaschner, as tenants by the entirety unto the survivor of them, his or her heirs and assigns in fee simple, all that lot of ground situate in the State of Maryland, County of Anne Arundel and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 3, Block A, as shown on a Plat of Sylvan View on the Magothy, which Plat is recorded among the Land Records of Anne Arundel County in Plat Book No. 28, folio 22.

BEING that property, which by Grant Deed dated August 15, 2005, and recorded among the Land Records of Anne Arundel County in Liber 16969, folio 696, was granted and conveyed by Edward D. Smith and Cassandra M. Smith, unto Angela M. Jackson and Patrick J. Connell.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining. Subject to any and all covenants, restrictions, easements and agreements of record.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Richard Kaschner and Elizabeth Kaschner as tenants by the entirety unto the survivor of them, his or her heirs and assigns in fee simple.



/13 02:00 PM C 0001 R 0 0003-096903 \$4,100.00

Lakeside Title Company File No. MD10315 Tax ID # 03-757-03289800

And the Grantor(s) hereby covenant(s) that he/she/they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she/they will warrant specially the property hereby granted; and that he/she/they will execute such further assurances of the same as may be requisite.

As Witness, the hand(s) and seal(s) of said Grantor(s), the	e day and year first above written.
Witness Patrick J. Connell	a Cimel (SEAL)
Angela M. Connell, M. Jackson	(SEAL) Formerly known of record as Angela
State of Maryland, County of Anne Arundel	- 2013
I hereby certify that on this day of July, 201: Public of the State and County aforesaid, personally appear Connell, the Grantor(s) herein, known to me (or satisfactori name(s) are subscribed to the within instrument, and acknowle contained, and further acknowledged the foregoing Deed to b and sealed the same, giving oath under penalties of perjury to correct.	ed Patrick J. Connell and Angela M. ly proven) to be the person(s) whose dged the same for the purposes therein the their act, and in my presence signed
IN WITNESS WHEREOF, I hereunto set my hand and	official seal.
CHRISTOPHER BAKER  NOTARY PUBLIC  ANNE ARUNDEL COUNTY  MARYLAND  My Commission Expires Dec. 12, 2014	Public mission expires
THIS IS TO CERTIFY that the within Deed was prepared undersigned, an Attorney duly admitted to practice before the	
See Atta Attorne	sched Signature
A FIRED DECORDOR OF DATE OF DETERMINE	

AFTER RECORDING, PLEASE RETURN TO: Richard Kaschner and Elizabeth Kaschner 522 Sylview Drive, Pasadena, MD 21122 THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

Yvonne Y. Deardorf

File No. MD10315

## OWNER OCCUPANCY AFFIDAVIT

The undersigned grantee(s) hereby make oath or affirm under penalties of perjury that the property herein conveyed will be occupied by the grantee(s) as his/her/their principal residence for at least 7 of the 12 months following this conveyance.

As to All  Richard Kaschner  Llyabett Kaschner  Elizabeth/Kaschner
HEREBY CERTIFY, That on Shifts, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Richard Kaschner and Elizabeth Kaschner, the GRANTEE(S) herein, known to me (or satisfactorily proven) to be the person(swhose name(s) is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.  Notary Public
My Commission Expires:

CHRISTOPHER BAKER
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires Dec. 12, 2014

#### 2013 MARYLAND FORM

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate

Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in

ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Informati Name of Transferor	on Patrick J. Connell	1
2. Reasons for Exempti	on /	
Resident Status	Transferor, am a resident of the	State of Maryland.
		defined in Code of Maryland Regulations (COMAR) of Transferor, and I have authority to sign this document on
Principal Residence		nt of the State of Maryland, the Property is my principal residence rded as such with the State Department of Assessments and
Under penalty of per it is true, correct, an		this declaration and that, to the best of my knowledge,
3a. Individual Transfer	ors A	Patrick J. Connell  Name  Valuation D. Connell  Signature
3b. Entity Transferors		
Witness/Attest		Name of Entity
		Ву
		Name
		Title

# 2013 FORM

### **Certification of Exemption from Withholding Upon** MARYLAND Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information Name of Transferor	n Angela M. Connell, For	merly known of record as Angela M. Jackson
2. Reasons for Exemption	n ,	
Resident Status	I, Transferor, am a resident of the	State of Maryland.
		defined in Code of Maryland Regulations (COMAR) of Transferor, and I have authority to sign this document on
Principal Residence		nt of the State of Maryland, the Property is my principal residence reded as such with the State Department of Assessments and
Under penalty of perj it is true, correct, and		this declaration and that, to the best of my knowledge,
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Withess		Name  Y  Sighature
3b. Entity Transferors		
Witness/Attest		Name of Entity
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ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 26585, p. 0384, MSA CE59 27025. Date available 09/09/2013. Printed 06/05/2025 2013 AUG 30

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C 0001 R 0003 Deed of Trust - Recordation Tax Inst Type: Deed of Trust \$0,00 08/29/13 02:00 PM Val #: 0003-096904 Deed of Trust - Red

LR - DOT/Mortgage Recording Fee Grantor Name: Kaschner Reference/Control #: LR - DOT/Mortgage Surcharge 40.00 LR - Additional Recording Fee - linked 0.00 SubTotal: 60.00 2,170.00 #1957128-7 08/30/2013 92:38 CC02-KS #1957128 CC0501 - Anne Arundel County/CC05.01.09 - Register

Return To: \* SANDY SPRING BANK

17801 Georgia Avenue Olney, MD 20832 800-869-8523

#### Prepared By:

9112 Guilford Road Suite 2 Columbia MD 21046 301-483-6800

[Space Above This Line For Recording Data]

1315010

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# **PURCHASE MONEY**

### DEED OF TRUST

MIN 100157300000139314

# DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated August 1st, 2013 together with all Riders to this document.

(B) "Borrower" is Richard Kaschner and Elizabeth Kaschner, Tenants by the Entirety

Borrower is the trustor under this Security Instrument. (C) "Lender" is SANDY SPRING BANK

Lender is a a Maryland Corporation organized and existing under the laws of The United States of America

MARYLAND-Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS Form 3021 1/01

Wolters Kluwer Financial Services VMP @-6A(MD) (0810)

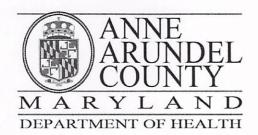
### CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS 1804 WEST STREET, SUITE 100 ANNAPOLIS, MD 21401

### PROJECT NOTIFICATION APPLICATION

GENERAL	PROJECT INI	FORMATION	N			1/0/0=	
Jurisdiction:	Anne Arundel	County			Date	e: 6/9/25	
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Tax Map #	Parcel #	Block #	Lot #	Section		Corrections	
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Applicant:	Last name	KASCHNE	R		First n	ame RICHARD	
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## SPECIFIC PROJECT INFORMATION

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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

Bureau of Environmental Health

DATE:

July 1, 2025

RE:

Richard Kaschner 522 Sylview Drive

Pasadena, MD 21122

NUMBER:

2025-0116-V

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 on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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

# 522 Sylview Dr.





# 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.

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none

THIS MAP IS NOT TO BE

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION