

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

APPLICANT: William McMinn

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0136-V

COUNCIL DISTRICT: 2

HEARING DATE: September 18, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a variance to allow an accessory structure (pole barn with second story attic storage) with less setbacks than required and in the front yard of a nonwaterfront lot, on property located at 8300 Elvaton Road in Millersville ¹.

LOCATION AND DESCRIPTION OF SITE

The subject property is located approximately 1,200 feet east of the Elvaton Road/Foxwell Road intersection (Lot 1R, Parcel 392, Grid 20, Tax Map 16 and Parcel 239, Grid 20, Tax Map 16). The property is a flag lot, with a 25 foot wide access strip ("pole"), fronting onto Elvaton Road, that extends roughly 600 feet northeast from Elvaton Road, then widens northwest to form the main, developable portion of the lot. The property is zoned R1 and approximately 1.56 acres, exceeding the minimum required 30,000 square feet. The property is improved with a single family dwelling with a partially covered deck, half basketball court, above-ground pool with decking, and shed.

PROPOSAL

The applicant proposes the addition of a 36' x 60' accessory structure (pole barn) with attic storage space. Given the flag shape of the property, the proposed location for the structure is in the front yard of the property.

REQUESTED VARIANCES

§ 18-2-204(b)(4) of the Anne Arundel County Code prohibits accessory structures in the front yards of nonwaterfront lots. The proposed location necessitates a variance to this code section.

§ 18-2-204(c) of the Anne Arundel County Code prohibits accessory structures on a different lot than the principal structure ¹. The proposed location necessitates a variance to this code section.

§ 18-4-501 of the Anne Arundel County Code requires accessory structures to be located a minimum of 50 feet from the front property line. The proposed structure will be as close as 15 feet from the front property line, necessitating a variance of 35 feet.

¹ Maryland Department of Assessments and Taxation lists the subject property, 8300 Elvaton Road, under two Tax ID's (300090030867 & 300090030869) with differing property addresses.

FINDINGS

At approximately 1.56 acres, the property exceeds the minimum required R1 lot size of 30,000 square feet. The property's flag lot configuration creates unconventional property line determinations. With only a 25 foot wide access drive abutting Elvaton road, the front boundary cannot be determined as this location, as it does not meet the R1 minimum lot width measurement of 80 feet. Approximately 465 feet into the access drive, northeast from Elvaton Road, the property expands to an approximate width of 175 feet. With adequate lot width at this location, front setback measurements can be determined from here. The dwelling is oriented southeast to face the access drive. The County-determined front boundary functions much more like a side boundary, and the access drive functions more like a roadway frontage. The property's County-determined front yard only abuts the rear yard of the adjacent property, south, 8293 Elvaton Road. The neighboring property's existing principal structure and rear yard accessory structure are located approximately 95 feet and 7 feet from the shared rear/front property boundary, respectively.

SDAT records show each of the two Tax ID's associated with the subject property are listed under different addresses and ownership. However, the applicant's deed confirms both Tax ID's belong to the subject property, 8300 Elvaton Road. Per SDAT records, the proposed location of the accessory structure is on a different lot than the principal structure.

In 2019, under variance case 2019-0035-V, the applicant received conditional approval for the construction of a pole barn in the same general location as the currently proposed pole barn. The approved pole barn was 32' x 40', but was never constructed.

Agency Comments

The **Health Department** has reviewed the above referenced variance to allow an accessory structure (pole barn with second story attic storage) with less setbacks than required and in the front yard of a nonwaterfront lot.

The Health Department does not have an approved plan for this project.

The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department. A Pere Application will be required to show the replacement septic disposal systems on the combined lots.

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

The **Department of Recreation and Parks** has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to Marley Creek Park. This development shall not cause discharge runoff to the County's property at a rate greater than existing conditions.
- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County

Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

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 similarly sized to nearby R1 properties and exceeds the minimum lot size requirement. The property's unique flag lot shape creates uncommon challenges. In many flag lot configurations one property's rear yard can abut another property's front yard. These situations create front and rear yard setback distance requirements that vastly differ for each property, sharing a common boundary.

In corner lot scenarios, it is not uncommon for rear and side yards to abut one another. For this reason, accessory structure rear and side setback requirements are the same, maintaining consistency for accessory structure placement. It is less common for front yards to abut the rear yards of adjacent properties. The property owner at 8293 Elvaton was able to place an accessory structure 7 feet from their (rear) property line, while the applicant must place his accessory structure 50 feet from the same, shared, property line. This is not the intended application of front and rear accessory structure setback requirements, but how they must be applied per County Code. The differing setback requirements at the shared property line create an unnecessary hardship on the applicant.

The proposed location of the structure being on a separate lot than the principal structure appears to be an SDAT recording error. The applicant has provided substantial proof that he owns the property proposed for the location of the structure.

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

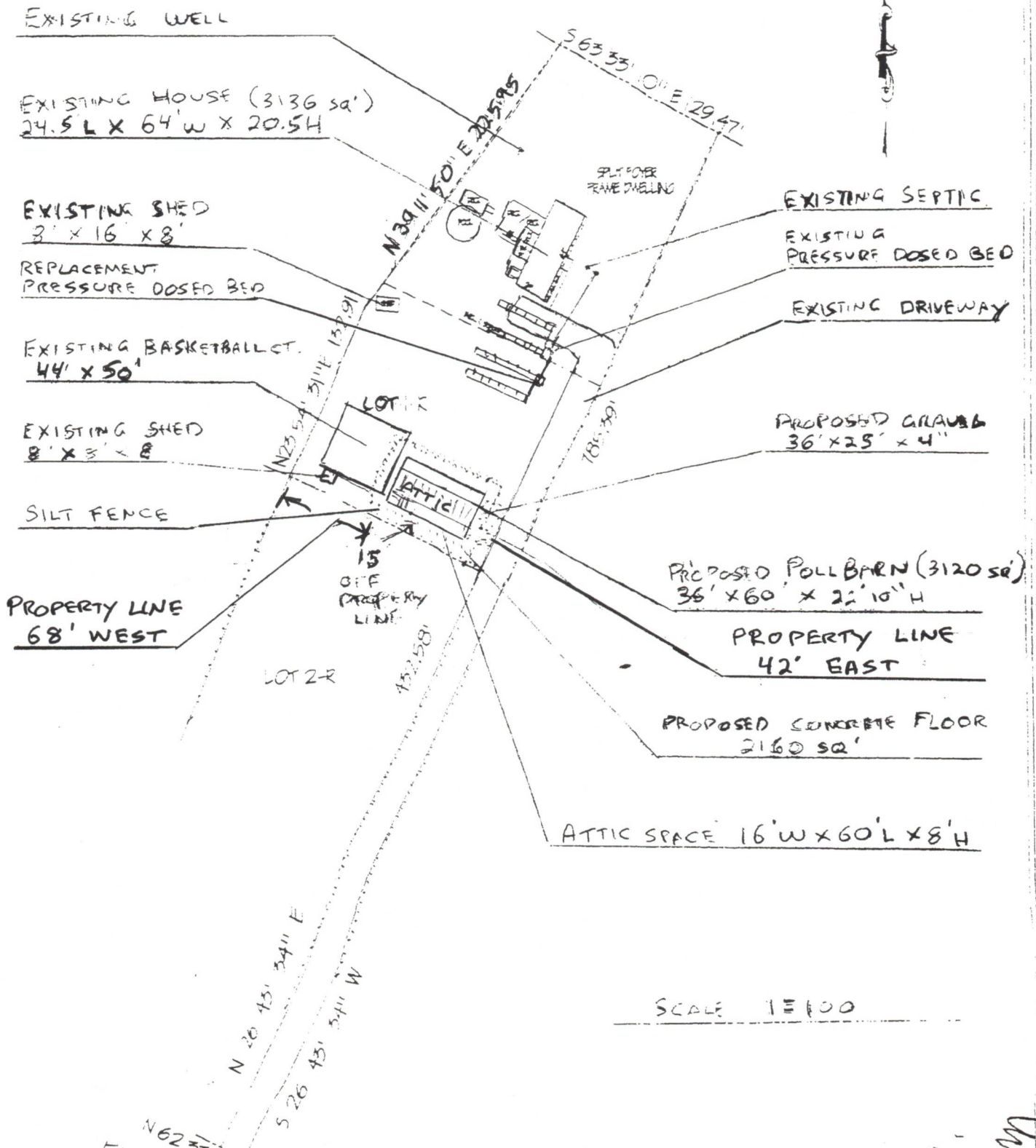
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends approval of the following requested variances:

- Variance to § 18-2-204(b)(4) to allow an accessory structure (pole barn) in the front yard of a nonwaterfront lot.
- Variance to § 18-2-204(c) to allow an accessory structure (pole barn) on a different lot than the principal structure.

- Variance of 35 feet to § 18-4-501 of the Anne Arundel County Code to allow an accessory structure (pole barn) with less setbacks than required (15 foot front setback).

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.

AZIMUTH AND ROOD, LLC
115 CATHEDRAL STREET ANNAPOLIS, MD, 21404
(410) 269-1053 FAX (410) 269-5260
NOTE: NOT TO BE USED FOR THE ISSUANCE OF PERMITS



July 14, 2025

To Whom it may concern,

I am requesting a variance at my residence of 8300 Elvaton Road, Millersville, MD 21108.

The variance would be to allow me to build a 36ft.x 60ft. Pole building/garage in my yard to hold, store, protect various automobile/ motorcycle projects that I'm always working on. It would also house my kubota tractor, lawn equipment, all of my tools. Attic floor space would be used for storage. The proposed location would be best suited for me. The beginning of my property is 467 ft. off of Elvaton Road.

The lot size is 1.5 acres. The front door of my house is parallel to my driveway, which is perpendicular to Elvaton Road and sits on the back half of the property.

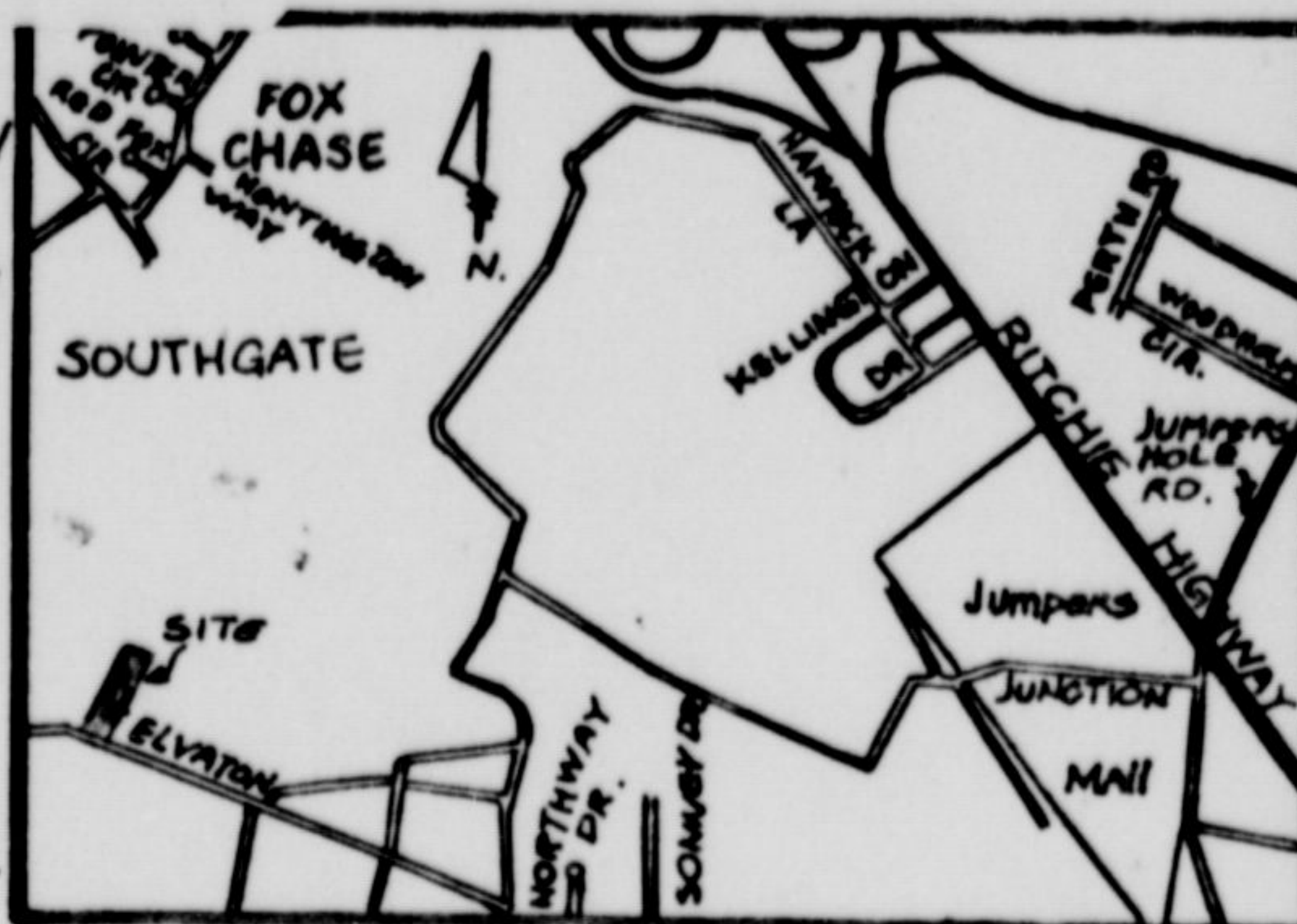
I would like to build the pole building / garage to the left side of my house when you are facing the front door. This however would be placing it between Elvaton road and my house (Front yard) and this is why Im applying for a variance.

Sincerely,

William McMinn

OWNERS DEDICATION

WE JOSEPH FITZPATRICK MALONE JR. AND JOYCE LYNN VERNON AND CHARLES A. WOOD OWNERS OF THE PROPERTIES SHOWN AND DESCRIBED HEREON, HEREBY ADOPT AND APPROVE THIS PLAT OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTIONS LINES AND DEDICATE THE STREETS, ALLEYS, WALKWAY, AND OTHER EASEMENTS, WIDENING STRIPS, AND FLOOD PLAIN TO PUBLIC USE SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY AT THE STATE HIGHWAY ADMINISTRATION, AS MAY BE APPROPRIATE UPON REQUEST. WE ALSO HEREBY CERTIFY THAT THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUST, EASEMENTS OF RIGHT OF WAYS AFFECTING THE PROPERTY, EXCEPT THE FOLLOWING: DEED OF TRUST WITH CHASE BANK OF MARYLAND RECORDED IN LIBER 4237 AND FOLIO 87 IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY, INCLUDED IN THE PLAT OF SUBDIVISION AND ALL PARTIES IN INTEREST THERE TO HAVE HEREUNTO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT AND WILLINGNESS TO JOIN IN THIS PLAT OF SUBDIVISION. WE ASSENT TO AND HEREBY JOIN IN THIS PLAT OF SUBDIVISION.



VICINITY MAP SCALE 1"=2000'
LEONORA GARY
7908 S RITCHIE HWY
GLEN BURNIE, MD. 21061
3-000-11027503
N.G. TAX MAP 16 BL 14 P.240
129.33' 10" W ZONED R-1

Joyce Lynn Malone 11/6/88
JOYCE LYNN VERNON MALONE DATE 11/6/88

Joseph Fitzpatrick Malone Jr. 11/6/88
JOSEPH FITZPATRICK MALONE JR. DATE 11/6/88

Charles A. Wood 11/6/88
CHARLES A. WOOD DATE 11/6/88

Chase Home Mortgage Corp. AS SERVICER FOR 1/4/89
CHASE BANK OF MARYLAND DATE 1/4/89

ALLOCATION NOTE & PUBLIC IMPROVEMENT STATEMENT

APPROVAL OF THIS PLAT DOES NOT GUARANTEE SEWER/WATER ALLOCATION. SEWER/WATER ALLOCATION WILL BE SUBJECT TO THE BUILDING PERMIT APPROVAL PROCESS. ROAD, UTILITY, & STORM DRAINAGE REQUIREMENTS WILL ALSO BE ADDRESSED AT THE TIME OF BUILDING PERMIT REVIEW.

N. 470.900
6.911.600
N.



TAX MAP 10
BLOCK 20
PARCEL 239
ZONING R-1

SETBACKS

FRONT: 40'
SIDE: 15/40'
REAR: 35'
CORNER: 40'
BRL: 125

PREVIOUSLY PLATED IN LIBER 3308 AT FOLIO 163.

APPROVED:
OFFICE OF PLANNING & ZONING OF A.A.CO.
Thomas L. Cohen, Jr. 2/21/89
PLANNING & ZONING OFFICER DATE

APPROVED: FOR PUBLIC WATER AND PRIVATE SEPTIC SYSTEM.
J. L. P. No 1-24-89
COUNTY HEALTH OFFICER DATE

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF THE LANDS CONVEYED BY CHARLES WILLIAM VERNON AND JOYCE LYNN VERNON TO JOSEPH FITZPATRICK MALONE, JR. AND JOYCE LYNN WOOD, AND BY DORIS WOOD TO CHARLES A. WOOD BY DEED DATED 9/19/86 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 4237, AT FOLIO 85 AND BY DEED DATED 4/11/81 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 3395, AT FOLIO 787, THE REQUIREMENTS OF ARTICLE 26 OF THE ANNE ARUNDEL COUNTY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.

Kenneth D. Dixon 1-27-89
KENNETH D. DIXON, JR.
REG. PROF. LINE SURVEYOR # 421

RE-SUBDIVISION OF WOOD PROPERTY

MINOR SUBDIVISION
ADMINISTRATIVE LOT LINE CHANGE
LOT #1 AND #2

SCALE 1"=100
3rd DISTRICT
OCTOBER 1988
A.A.CO., MD.

DFI

DEVELOPMENT FACILITATORS, INC.
504 BALTIMORE/ANNAPOLIS BLVD.
SEVERNA PARK, MD 21146
TEL: 847-2727

MS 88-630

AFTER RECORDING RETURN TO:
William A. McMinn
8300 Elvaton Road
Millersville, MD 21108

TAX ID No. 03-000-90030867

DOCUMENT PREPARED BY:
Sage Title Group, LLC

File Number: 241021SEPS

118
LR - Deed (w Taxes)
Recording only ST20.00
Name: McMinn
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 2,325.00
LR - NR Tax - 1kd 0.00
=====

SubTotal: 2,385.00

Total: 2,445.00

10/01/2018 09:43

CC02-ED

#11057244 CC0501 -

Anne Arundel

County/Office 01.10 -

Register 10

This Deed, MADE THIS 21st day of September, 2018, by and between **Wayne D.**

Vernon and Donna L. Vernon, parties of the first part, and **William A. McMinn**, party of the second part.

WITNESSETH, That in consideration of the sum of **FOUR HUNDRED SIXTY FIVE THOUSAND AND 00/100 DOLLARS (\$465,000.00)**, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, in fee simple, all that parcel of ground situated in **Anne Arundel County, Maryland** and as described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot Numbered 1-R as shown on a Plat entitled, "Re-Subdivision of Wood Property, Minor Subdivision Administrative Lot Line Change Lot #1 and #2", which Plat is recorded among the Land Records of Anne Arundel County, Maryland in Liber 4802, folio 787. The improvements thereon being commonly known as No. 8300 Elvaton Road, Millersville, Maryland.

TAX ID No. 03-000-90030867

BEING the same lot of ground which by Deed dated December 18, 1992 and recorded among the Land Records of Anne Arundel County, in Liber No. 5907, folio 217, was granted and conveyed by Wayne D. Vernon unto Wayne D. Vernon and Donna L. Vernon, his wife, the herein Grantors.

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

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, as sole owner, his personal representatives, heirs and assigns, in fee simple.

BUYER'S INITIALS: WAM

AND the said parties of the first part do hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.


ACCT. 3000-9003-0867
ALL LIENS ARE PAID AS
OF 9/27/18 A.A. COUNTY
BY: CSR C. Conly

09/27/18 12:19 PM C 0002 R 0002
ANNE ARUNDEL COUNTY
County Transfer Tax \$4,650.00


ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32527, p. 0359, MSA_CE59_32969. Date available 10/02/2018. Printed 09/27/2018 12:19 PM C 0002 R 0002
Val #: 0002-209003 \$3,255.00
Deed - Recordation Tax
Instrument Type: Deed

WITNESS:

.....


Wayne D. Vernon (SEAL)

.....

 (SEAL)
Donna L. Vernon

STATE OF Nevada, CITY/COUNTY OF Clark to wit:

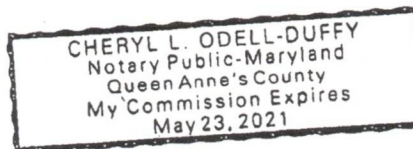
I HEREBY CERTIFY, that on this 19th day of September, 2018, before me, the subscriber, a Notary Public of the State of Maryland in and for Frederick County/City, personally appeared Wayne D. Vernon and Donna L. Vernon known to me (or satisfactorily proven) to be the persons whose names are subscribed 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: _____

5-23-21



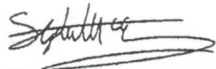
ATTORNEY CERTIFICATION

This is to certify that the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals in the State of Maryland.

See attached
Stephen McClung, Esq.

CERTIFICATION OF PREPARATION

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned Attorney duly admitted to practice before the Court of Appeals of the State of Maryland or by one of the parties named in this instrument.



Stephen McClung, Esquire

File Number: 241021SEPS

OWNER OCCUPANCY AFFIDAVIT

THE WITHIN GRANTEE DO HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY MYSELF AT LEAST 7 OUT OF 12 MONTHS IMMEDIATELY AFTER THE PROPERTY IS CONVEYED AS EVIDENCED BY THE SIGNATURE BELOW

WITNESS the hand and seal of the said party of the second part:

WITNESS:


 William A. McMinn (SEAL)

STATE OF Maryland, CITY/COUNTY OF Anne Arundel to wit:

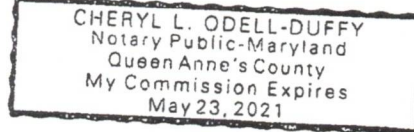
I HEREBY CERTIFY, that on this 21st day of September, 2018, before me, the subscriber, a Notary Public of the State of Maryland in and for Queen Anne's County/City, personally appeared William A. McMinn known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged the foregoing Deed to be his 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:

5-23-21



MARYLAND
FORM
WH-AR

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

2018

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 Wayne D. Vernon and Donna L. Vernon.

2. Reasons for Exemption

- Resident Status ☒ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland
- ☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
- Principal Residence ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Wayne D. Vernon

Date

Donna L. Vernon

Date

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

**** Form must be dated to be valid.**

Note: Form is only valid if recordation occurs within 60 days of execution of this form.

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Anne Arundel

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only-All Copies Must Be Legible)

1	Type(s) of Instruments	<input checked="" type="checkbox"/> Check Box if Addendum Intake Form is Attached.			
		<input type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
2	Conveyance Type	<input checked="" type="checkbox"/> Improved Sale	<input type="checkbox"/> Unimproved Sale	<input type="checkbox"/> Multiple Accounts	<input type="checkbox"/> Not an Arms-Length Sale(9)
3	Check Box	<input checked="" type="checkbox"/> Arms-Length(1)	<input type="checkbox"/> Arms-Length(2)	<input type="checkbox"/> Arms-Length(3)	<input type="checkbox"/> Arms-Length(4)
4	Tax Exemptions (if Applicable)	Recordation			
5	Cite or Explain Authority	State Transfer			
6	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only	
		Purchase Price/Consideration	\$465,000.00	Transfer and Recordation Tax Consideration	
		Any New Mortgage	\$456,577.00	Transfer Tax Consideration \$	
		Balance of Existing Mortgage		X () % = \$	
		Other:	\$	Less Exemption Amount - \$	
		Other:	\$	Total Transfer Tax = \$	
		Full Cash Value	\$	Recordation Tax Consideration X () per \$500 = \$	
				TOTAL DUE \$	
7	Fees	Amount of Fees		Doc 1	Doc 2
		Recording Charge	\$20.00	\$20.00	Agent
		Surcharge	\$40.00	\$40.00	Tax Bill
		State Recordation Tax	\$3,255.00	\$	C B Credit
		State Transfer Tax	\$2,325.00	\$	Ag Tax/Other
		County Transfer Tax	\$4,650.00	\$	
		Other	\$	\$	
		Other	\$	\$	
8	Description of Property	District	Property Tax ID No.(1)	Grantor Liber/Folio	Map
			03-000-90030867	5907/217	
		Subdivision Name	Lot (3a)	Block (3b)	Parcel No.
		Wood Property, Minor Subdivision Plan	1R		4802 / 787 (Land)
		Location/Address of Property Being Conveyed (2)			Var. Log (5)
		8300 Elvaton Road, Millersville, MD 21108			
		Other Property Identifiers (if applicable)			Water meter Account
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/>	Fee Simple <input checked="" type="checkbox"/> Ground Rent <input type="checkbox"/>	Amount	
		Partial Conveyance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Description/Amt. Of SqFt/Acreage Transferred:		
		If Partial Conveyance, List Improvements Conveyed-			
9	Transferred From	Grantor(s) Name(s)		Doc 2 - Grantor(s) Name(s)	
		Wayne D. Vernon		William A. McMinn	
		Donna L. Vernon			
		Doc 1 - Owner(s) of Record, if Different from Grantor(s)		Doc 2 - Owner(s) of Record, if Different from Grantor(s)	
10	Transferred To	Doc 1 Grantee(s) Name(s)		Doc 2 - Grantee(s) Name(s)	
		William A. McMinn		Brian J. Evans	
		New Owner's (Grantee) Mailing Address			
		8300 Elvaton Road, Millersville, MD 21108			
11	Other Names to Be Indexed	Doc 1 - Additional Names to be indexed (Optional)		Doc 2 - Additional Names to be indexed (Optional)	
				Prosperity Home Mortgage, LLC	
12	Contact/Mail information	Instrument Submitted By or Contact Person			<input type="checkbox"/> Return to Contact Person
		Name: Diane Meyer			<input type="checkbox"/> Hold for Pickup
		Firm: Sage Title Group, LLC			<input checked="" type="checkbox"/> Return Address Provided
		Address: 2661 Riva Road, Suite 410B, Bldg. 400 Annapolis, MD 21401			
		Phone: 410-266-7566			
13	IMPORTANT BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER				
	Assessment Information	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will the property being conveyed be the grantee's principal			
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does transfer include personal property? If yes, identify			
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Was property surveyed? If yes, attach copy of survey (if recorded no copy required)			
	Assessment (Use Only - Do Not Write Below This Line)				
	<input type="checkbox"/> Territorial Verification	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Whole	<input type="checkbox"/> Part	<input type="checkbox"/> Tran Process Verification
	Transfer Number:	Date Received:	Deed Reference:	Assigned Property No.	
	Year	Geo	Map	Sub	Block
	Land	Zoning	Grid	Plat	Lot
	Buildings	Use	Parcel	Section	Doc Od.
	Total	Town Cd.	Ex. St.	Ex. Cd.	
	REMARKS:				
	Grantor's Mailing Address:				
	8300 Elvaton Road				
	Millersville, MD 21108				

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32527, p. 0365, MSA_CE59_32969. Date available 10/02/2018. Printed 01/22/2019 09:27:18 12:19 PM C 0002 R 0002
Val #: 0002-209004 \$0.00
Deed of Trust - Recordation Tax - Exempt
Inst Type: Deed of Trust

When recorded, return to:
Prosperity Home Mortgage, LLC
Attn: Final Document Department
14501 George Carter Way, Suite 300
Chantilly, VA 20151

2/2
LR - DOT/Mortgage
Recording Fee 20.00
Name: McMin
Ref:
LR - DOT/Mortgage
Surcharge 40.00
=====

SubTotal:	60.00
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=====

Total:	2,445.00
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10/01/2018 09:43
CC02-BD
#11057244 CC0501 - Anne
Arundel
County/CC05.01.10 -
Register 10

LOAN #: 1002182131

[Space Above This Line For Recording Data]

24/02/18 EPS

PURCHASE MONEY
DEED OF TRUST

FHA Case No.
244-1842047-703-203B

MIN: 1000830-1002182113-4

MERS PHONE #: 1-888-679-6377

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 10, 12, 17, 19 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 15.

(A) "Security Instrument" means this document, which is dated September 21, 2018, together with all Riders to this document.

(B) "Borrower" is WILLIAM A. MCMINN, MARRIED MAN.

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Prosperity Home Mortgage, LLC.



EXHIBIT "A"

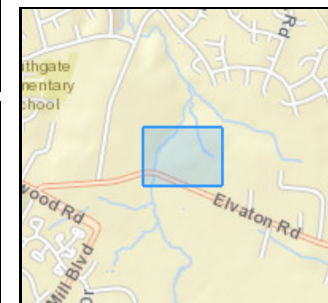
Being known and designated as Lot Numbered 1-R as shown on a Plat entitled, "Re-Subdivision of Wood Property, Minor Subdivision Administrative Lot Line Change Lot #1 and #2", which Plat is recorded among the Land Records of Anne Arundel County, Maryland in Liber 4802, folio 787.

Tax/Parcel ID#: 03-000-90030867

FILE NUMBER: 241021SEPS

WAM

8300 Elvaton Rd.



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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none



0 150 300
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2019-0035-V

WILLIAM A. MCMINN

THIRD ASSESSMENT DISTRICT

DATE HEARD: APRIL 9, 2019

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **STERLING SEAY**

DATE FILED: **APRIL 24, 2019**

PLEADINGS

William A. McMinn, the applicant, seeks a variance (2019-0035-V) to allow an accessory structure (pole barn/garage) in the front yard of a non-waterfront lot and with less setbacks than required on property with a street address of 8300 Elvaton Road, Millersville, MD 21108.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. William McMinn testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on April 9, 2019, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicant.

The Property

The applicant owns the subject property which has 20 feet of frontage on the north side of Elvaton Road, 1,000 feet east of Foxwell Road, Millersville. It is identified as Lot 1R of Parcels 392 and 239 in Block 20 on Tax Map 16. The property comprises 1.5 acres and is zoned R1-Residential District. The subject

property is developed with a single-family dwelling, a pool, decks, a shed, and a basketball court.

The Proposed Work

The proposal calls for the construction of a pole barn/garage in the front yard and will be located 10 feet from the front lot line as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 18-2-204(b) provides that an accessory structure may not be located in the front yard of a nonwaterfront property.

§ 18-4-301 requires an accessory structure be a minimum of 50 feet from the front lot line.

The Variance Requested

The proposed pole barn/garage will require the following variances:

1. A zoning variance to the requirement of § 18-2-204(b) to allow the proposed pole barn/garage in the front yard of a nonwaterfront lot as shown on County Exhibit 2; and
2. A zoning variance of forty (40) feet to the 50-foot front lot line setback requirement of § 18-4-301 to allow the proposed pole barn/garage as close as 10 feet from the front lot line as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Sterling P. Seay, a zoning analyst with the Office of Planning and Zoning (OPZ), presented the following findings:

- The property is a flag lot that exceeds the lot area and complies with the lot width required for an R1 district lot. The property is irregularly shaped and encumbered by the 100-foot intermittent stream buffer to Marley Creek, an intermittent stream, which is located just east of the lot line. In 1989 the property went through an Administrative Lot Line Change to add Parcel 239 to the property which essentially added another lot onto the front of the existing improved property, thus changing the location of the front lot line. The property is approximately 450 feet from Elvaton Road.
- The Health Department recommends denial of the variance request commenting that a current perc application is not on file with the Health Department and the property has not been evaluated for an onsite sewage disposal system.
- For the granting of a zoning variance a determination must be made as to whether because of certain unique physical conditions there is no reasonable possibility of developing the lot in strict conformance with the Code requirements and whether the grant of a variance is necessary to avoid practical difficulties and enable the applicant to develop the lot. The subject site is a developed lot where the location of the dwelling creates a practical difficulty in complying with the Code requirements. Denial of the variance would cause an unnecessary hardship in the use of this lot.
- The lot was developed with a dwelling prior to the lot line change that created an approximately 200-foot front yard. The rear yard is approximately 100 feet

deep with a large portion encumbered by the 100-foot intermittent stream buffer to Marley Creek leaving little room for a pole barn/garage. Moreover, placement of the pole barn/garage in the rear yard would require access over the septic area and stream buffer. In addition, the site plan indicates that the well is in the rear of the lot. Other than the applicant wanting the location of his choosing, there is no reason that the pole barn/garage cannot be set back the required 50 feet from the front lot line.

- OPZ supports the variance to allow the pole barn/garage in the front yard finding that to be the minimum variance necessary to grant relief. The granting of this variance will not alter the essential character of the neighborhood. Approval of the variance will not substantially impair the appropriate use or development of adjacent property, since the pole barn/garage will be located away from the neighboring dwellings. The variance will not be detrimental to the public welfare. However, there is sufficient room in the front yard for the pole barn/garage to comply with the 50-foot front yard setback.
- Based upon the standards set forth in § 18-16-305 of the Code, under which a variance may be granted, OPZ recommends *approval* of a variance to allow a pole barn/garage in the front yard of a nonwaterfront lot and *denial* of a variance to allow a pole barn/garage with less setbacks than required.

Applicant's Testimony and Exhibits

William McMinn testified that the property is unusual in shape in that it is a rectangular lot connected to Elvaton Road by a pipe-stem driveway that is over 400 feet long. The applicant cannot build the pole barn/garage in the rear of his property because the septic system is located there. The existing dwelling faces the east but the County has determined that the southern lot line should be considered the front lot line. While the pole barn/garage could be placed 50 feet from the front lot line, this will place it in the middle of the applicant's yard.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the Code. The evidence shows that the lot is an unusual shape and the applicant considers the front lot line to be that lot line opposite the front door to his dwelling. However, making the south lot line the front line pushes the pole barn/garage into the middle of the applicant's yard. To a lay person, the south lot line is a side lot line. If so, the setback would be 15 feet, not 50 feet. Therefore, a modified variance will be granted to allow the applicant to place the pole barn/garage in the front yard of his property 15 feet from the front (south) lot line.

I further find that the granting of a zoning variances will not alter the essential character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, will not reduce forest cover in the limited development and resource conservation areas of the critical area, will not be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of William A. McMinn, petitioning for a variance to allow an accessory structure (pole barn/garage) in the front yard of a non-waterfront lot and with less setbacks than required;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **24th day of April, 2019**,

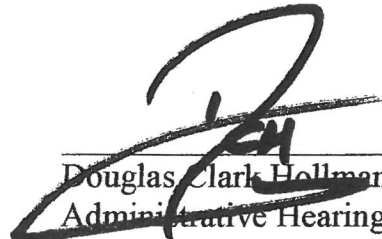
ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted**:

1. A zoning variance to the requirement of § 18-2-204(b) to allow the proposed pole barn/garage in the front yard of a nonwaterfront lot as shown on County Exhibit 2, as *modified* by the following variance; and
2. A *modified* zoning variance of thirty-five (35) feet to the 50-foot front lot line setback requirement of § 18-4-301 to allow the proposed pole barn/garage as close as 15 feet from the front lot line as shown on County Exhibit 2.

The foregoing variances are subject to the applicant complying with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order as modified by the above variances. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant within 18 months of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.

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

APPLICANT: William McMinn

ASSESSMENT DISTRICT: Third

CASE NUMBER: 2019-0035-V

COUNCILMANIC DISTRICT: Third

HEARING DATE: April 9, 2019

PREPARED BY: Sterling Seay
Planner

REQUEST

The applicant is seeking a variance to allow an accessory structure (pole barn) in the front yard of a non-waterfront lot with less setbacks than required on property located at 8300 Elvaton Road in Millersville.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 1.5 acres. It is located with 20 feet of frontage on the north side of Elvaton Road, approximately 1,000 feet east of Foxwell Road in Millersville. It is identified as Lot 1R in Parcels 392 and 239 in Block 20 on Tax Map 16.

The property has been zoned R1-Residential District since the adoption of zoning for the Third Councilmanic District effective January 29, 2012.

The property is improved with a single-family detached dwelling, a pool, decks, a shed, and a basketball court.

APPLICANT'S PROPOSAL

The applicant seeks to construct a pole barn/garage in the front yard of the lot.

REQUESTED VARIANCE

§18-2-204 (b) of the Zoning Code provides that, with a few exceptions that do not include a pole barn/garage, an accessory structure *may not* be located in the front yard of a nonwaterfront property. As proposed the pole barn/garage will be closer to the front lot line than the house requiring a variance to this provision.

§18-4-301 of the Zoning Code requires an accessory structure be a minimum of 50 feet from the front lot line and 15 feet from side lot lines. The proposed pole barn/garage will be approximately 10 feet from the front lot line necessitating a variance of 40 feet to the 50 foot front lot line setback requirement.

FINDINGS

The property is a flag lot that exceeds the lot area and complies with the lot width required for an R1 District lot. The property is irregularly shaped and encumbered by the 100-foot intermittent stream buffer to Marley Creek, an intermittent stream, which is located just east of the lot line. In 1989 the property went through an Administrative Lot line Change to add parcel 239 to the property which essentially added another lot onto the front of the existing improved property, thus changing the location of the front lot line. The property is approximately 450 feet from Elvaton Road.

The applicant writes that he seeks to build a 32-foot by 40-foot pole building/garage in his yard that is in the best location suited for him. The letter explains that the front door of the house is parallel to the driveway, which is perpendicular to Elvaton Road, and the house sits on the back half of the property. As proposed the pole building would be off to the left side of the house when you are facing the front door.

The **Health Department** recommends denial of the variance request commenting that a current perc application is not on file with the Health Department and the property has not been evaluated for an on-site sewage disposal system.

For the granting of a zoning variance a determination must be made as to whether because of certain unique physical conditions there is no reasonable possibility of developing the lot in strict conformance with the code requirements and whether the grant of a variance is necessary to avoid practical difficulties and enable the applicant to develop the lot. The subject site is a developed lot where the location of the dwelling creates a practical difficulty in complying with the Code requirements. Denial of the Variance would cause an unnecessary hardship in the use of this lot.

The lot was developed with a dwelling prior to the lot line change that created an approximately 200-foot front yard. The rear yard is approximately 100 feet deep with a large portion encumbered by the 100-foot intermittent stream buffer to Marley Creek leaving little room for a pole building/garage. Moreover, placement of the pole building/garage in the rear yard would require access over the septic area and stream buffer. In addition, the site plan indicates that the well is in the rear of the lot. Other than the applicant wanting the location of his choosing, there is no reason that the pole building/garage cannot be set back the required 50 feet from the front lot line.

This Office supports the variance to allow the pole building/garage in the front yard finding that to be the minimum variance necessary to grant relief. The granting of this variance will not alter the essential character of the neighborhood. Approval of the variance will not substantially impair the appropriate use or development of adjacent property, since the garage will be located away from the neighboring dwellings. The variance will not be detrimental to the public welfare. However, there is sufficient room in the front yard for the pole building/garage to comply with the 50-foot front yard setback.

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 a variance of to allow a pole barn/garage in the front yard of a nonwaterfront lot and denial of a variance to allow a pole barn/garage with less setbacks than required.

Disclaimer: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

Handwritten signature in black ink, appearing to read 'LGR/SPS'.

LGR/SPS

For Office Use Only

CASE # 2019-0035-V
FEE PAID 215.00
DATE 2/13/19



For Office Use Only

ZONE R1
CRITICAL AREA: IDA ___ LDA ___ RCA ___
BMA: Yes ___ No ___
NO. OF SIGNS 1

VARIANCE APPLICATION

Applicant(s): WILLIAM McMINN
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 8300 ELVATON RD. MILLERSVILLE MD 21108

Property Location: 20 feet of frontage on the (N, S, E, W) side of Elvaton Rd
(Enter Street Name)

1000 feet (N, S, E, W) of (Nearest intersecting street) Foxwell Rd.
(Enter Street Name)

12-digit Tax Account Number 3000-9063-0867 Tax District 3 Council District 2

Waterfront Lot: Y ☐ N ☒ Corner Lot: Y ☐ N ☒ Deed Title Reference 32527/359

Zoning District R1 Lot # 1R Tax Map 16 Block/Grid 20 Parcel 392

Area 1.5 Ac (Sq Ft, or Acres) Subdivision Name _____

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)

CONSTRUCTION OF A POLE BUILDING / GARAGE 40' X 32' X 18.5'

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature] Owner's Signature [Signature]

Print Name WILLIAM McMINN Print Name WILLIAM McMINN

Mailing Address 8300 ELVATON RD Mailing Address 8300 ELVATON RD

City, State, Zip MILLERSVILLE MD 21108 City, State, Zip MILLERSVILLE MD 21108

Work Phone 443-324-9281 Work Phone 443-324-9281

Home Phone SAME Home Phone SAME

Cell Phone SAME Cell Phone SAME

Email Address MCM4431@GMAIL.COM Email Address MCM4431@GMAIL.COM

*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: [Signature] 2/13/19
Initials Date

Variance to allow an accessory structure (pole barn / garage) in the front yard of a non-waterfront lot and with less setbacks than required

CO. EXHIBIT#: 2

CASE: 2019-0035-V

DATE: 4/9/19

AZIMUTH AND ROOD, LLC
115 CATHEDRAL STREET ANNAPOLIS, MD. 21404
(410) 269-1053 FAX (410) 269-5260
NOTE: NOT TO BE USED FOR THE ISSUANCE OF PERMITS

