

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

APPLICANTS: Miriam Semmar

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0166-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: October 28, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicant is requesting a variance to perfect an accessory structure (shed) with less setbacks than required on property located at 712 Oak Grove Circle in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property has an area of approximately 18,524 square feet¹ and is a corner through lot located with road frontage on the north side of Oak Grove Circle, Cypress Road, and Gordon Avenue (an unimproved road)². The site is shown on Tax Map 32E, Grid 9, as Parcel 113, Lots 8, 19, and parts of Lots 9 and 18 in Block 14 of the Manhattan Beach subdivision. This property is zoned R2-Residential District and is currently improved with a one-story single-family detached dwelling, two driveways, a shed, playground equipment (shown as a detached deck on the site plan), and the subject shed. This is a nonwaterfront property which lies within the Chesapeake Bay Critical Area and is designated IDA - Intensely Developed Area. The property is served by public water and sewer. An overhead transmission line runs along the Gordon Avenue property line.

PROPOSAL

The applicant seeks this after-the-fact variance to perfect a shed, 12 feet wide by 16 feet deep (192 square feet), 13'3" high, that was constructed in a location that was not approved by a building permit.

REQUESTED VARIANCE

§18-4-601 of the Anne Arundel County Code requires that an accessory structure in an R2 District that exceeds 64 square feet in area and is 8 feet or greater in height be set back a minimum of 40 feet from the front lot line and 20 feet from the corner side lot line. The shed has been constructed as close as 8 feet from the front lot line of Gordon Avenue and 6 feet from the

¹ The State Department of Assessments and Taxation indicates the lot to be 20,444 square feet. For the application purposes the area is taken from the site plan submitted.

² Gordon Avenue is identified as a private right-of way owned by the Manhattan Beach Civic Association, Inc.

corner side lot line of Cypress Road. As such, variances of 32 feet and 14 feet, respectively, are required.

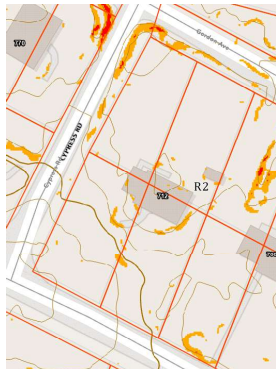
FINDINGS

This is a nearly rectangular-shaped lot with frontage on three roads, one of which is a privately owned property that is not improved. This Office notes that based on the site plan the property meets the width and area requirements for a lot in the R2 District served by public sewer. The dwelling was built in 1958 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.

Development in the IDA may not exceed the lot coverage limitations of the underlying zoning district. The R2 District limits coverage by structure to 60%. The zoning coverage by structure maximum of 60% appears to be met.

A review of the County aerial photograph from February 2025 shows primarily cookie-cutter rectangular lots nearby with homes constructed on various sized lots 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. No sheds can be seen close to corners.

There were no variances found nearby that relate to accessory structure setbacks.



The letter of explanation states that the lot's layout and topography make it impossible to place the shed without encroaching on the 40-foot Gordon Avenue setback. Combined with a conflict with the utility easement the applicant believes that there is a unique challenge in possible location of the shed.

A screenshot from the County mapping system Geocortex shows the location of the dwelling and the previous existing shed on the property along with topographic lines and steep slopes. The property is nearly rectangular and the area between the dwelling and Gordon Avenue appears to be relatively flat.

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

Approval of the variance may alter the essential character of the neighborhood. While accessory structures are common and often appear near lot lines in this community, they are typically not located close to public right-of-ways. Approval of the variance will not impair the appropriate use or development of the adjacent property as the adjacent property to the east is already developed. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare at this time. However, if Gordon Avenue is improved for use the shed would be within the clear sight triangle area.

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. Whether the lot is considered to be of adequate size and width for the district per SDAT, or if it is undersized as the site plan shows, 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. The approved building permit substantiates this. 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 § 18-4-601 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.

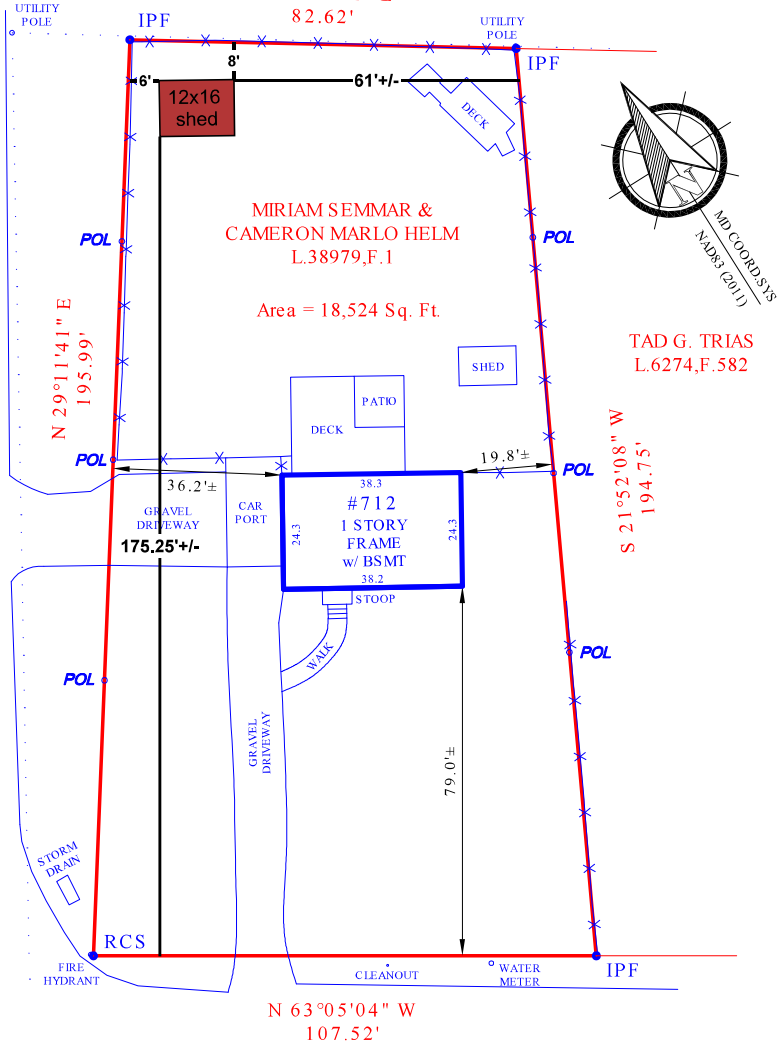
GORDON AVE.

(UNIMPROVED)

S 61°48'31" E

82.62'

CYPRESS ROAD



LEGEND:

- IPF - IRON PIPE FOUND
- RCS - REBAR & BLUE CAP SET
- POL - POINT ON LINE (RCS)
- MNS - MAG NAIL SET
- FENCE (LOCATIONS AND DIMENSIONS SHOWN REFER TO CENTER OF POSTS)
- OVERHEAD WIRES

OAK GROVE CIRCLE

BOUNDARY SURVEY OF:

#712 OAK GROVE CIRCLE

MIRIAM SEMMAR &
CAMERON MARLO HELM
LIBER 38979 FOLIO 1

ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"= 30' DATE: 02/06/2024

DRAWN BY: JCM/SM FILE #: 240414 - 700

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SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS PLAT AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENT OF RECORD, BUILDING RESTRICTION LINES AND EASEMENTS NOT SHOWN ON RECORD PLAT MAY NOT BE SHOWN HEREON.

LICENSE EXPIRATION DATE: 01-16-2025

Subject: Letter of Explanation for Zoning Variance – Shed Placement at 712 Oak Grove Circle

Dear Zoning Hearing Officer,

I am submitting this letter in support of my request for a **zoning variance** to allow for the placement of a **12' x 16' shed** on my property located at **712 Oak Grove Circle, Severna Park, MD 21146**. This request arises due to **unique conditions** imposed by the property's **corner lot status** and recent **inspection failure** of the previously approved shed location that was constructed on 5/6/25.

Background and Justification

1. Corner Lot Hardship

As a corner lot, my property is subject to **two front yard setbacks**:

- **20 feet from Cypress Road**
- **40 feet from Gordon Avenue**

This designation significantly restricts buildable space, eliminating what would typically function as a **rear yard**. The lot's layout and topography make it impossible to place the shed without encroaching on the 40-foot Gordon Avenue setback.

2. Inspection Failure of Existing Shed Location

The shed was initially installed under a **utility power line**, which resulted in a **failed inspection**. Relocating the shed is necessary for **public safety** and utility compliance. The **only feasible alternative location** on the property would require a **variance from the 40-foot setback along Gordon Avenue**.

3. Minimal Impact & Neighborhood Character

The proposed shed is a **modest residential accessory structure (192 sq ft, 13'3" tall)**. It will be **visually screened by existing vegetation** and will not affect sight lines, access, or neighboring properties. The **20' Cypress setback will be maintained** in full. A photographic exhibit has been included for your review.

4. Not a Self-Imposed Hardship

The hardship is not self-created. The **dual front setback designation**, combined with the **utility easement conflict**, presents a unique challenge. My goal is to relocate the shed in a **safe, functional location** while preserving the **intent of the zoning code**.

Conclusion

Given the **unique corner lot constraints**, **utility clearance issue**, and the **modest nature of the proposed structure**, I respectfully request approval of this variance. This request represents the **least deviation necessary** to achieve safe, practical use of my property.

Thank you for your consideration.

Sincerely,
Miriam Semmar

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area 20473 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area 0 Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|----------------------------------|--|
| 1. House _____ Sq. Ft. | 5. Accessory Structure _____ Sq. Ft. |
| 2. Septic or sewer _____ Sq. Ft. | 6. Additions _____ Sq. Ft. |
| 3. Well _____ Sq. Ft. | 7. Storm Water Management _____ Sq. Ft. |
| 4. Driveway _____ Sq. Ft. | 8. Other Clearing: work area; access; stockpiles, etc. _____ Sq. Ft. |

* Total Woodland Removed = _____ Sq. Ft.

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

- | <u>Existing Impervious</u> | <u>Proposed Impervious</u> |
|--|--|
| 1. House (roof area) <u>1,360</u> Sq. Ft. | 1. House (roof area) _____ Sq. Ft. |
| 2. Driveway + Sidewalks <u>2,200</u> Sq. Ft. | 2. Driveway + Sidewalks _____ Sq. Ft. |
| 3. Accessory Structures _____ Sq. Ft. | 3. Accessory Structures <u>192</u> Sq. Ft. |
| | 4. Additions _____ Sq. Ft. |

* Total Existing and Proposed Impervious Coverage 3,752 Sq. Ft.

⊗ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Miriam Semmar, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 8, block # 14 of Subdivision 530.

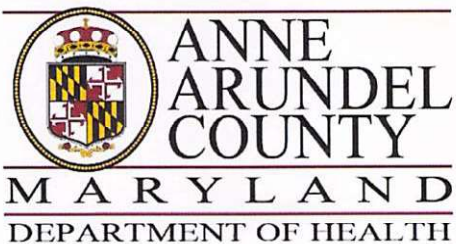
I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

Miriam Semmar (Signature) 2/20/2025 (Date)

Property owner _____ (Title)

(Signature) _____ (Date)

(Title)



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: August 22, 2025

RE: Miriam Semmar
712 Oak Grove Circle
Severna Park, MD 21146

NUMBER: 2025-0166-V

SUBJECT: Variance/Special Exception/Rezoning

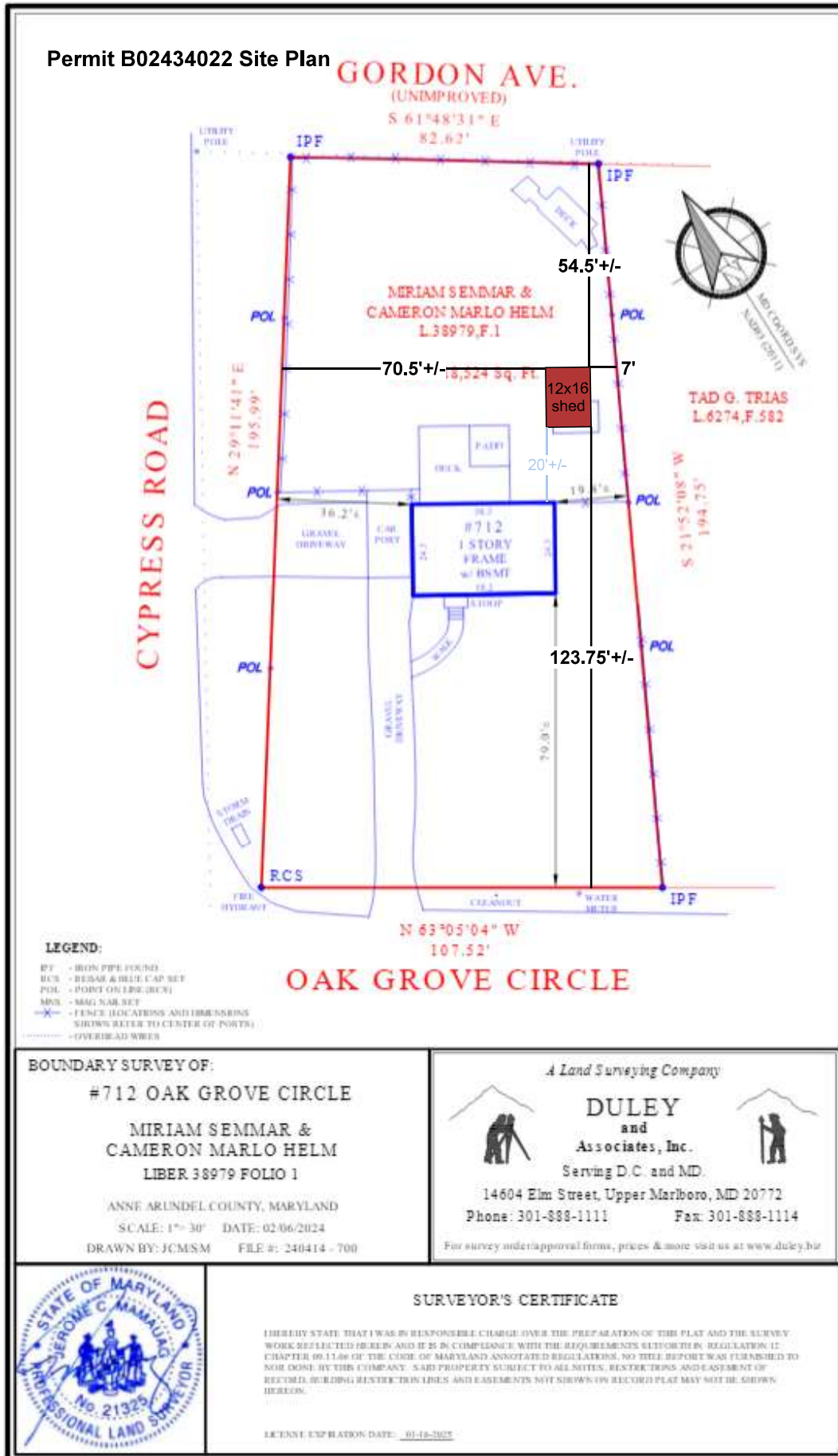
The Health Department has reviewed the above referenced variance to perfect an accessory structure (shed) with less setbacks than required.

The Health Department has reviewed the 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

Permit B02434022 Site Plan



2025-0166-V Aerial 2024



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Nearmap

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.



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes