

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

APPLICANT: David & Eileen Hartzell

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0168-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: November 6, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to perfect an accessory structure (shed) with less setbacks than required on property located at 949 Lombardee Circle in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,273 square feet +/- of land and is located on the south side of Lombardee Circle. It is identified as Lot 25 of Parcel 150 in Grid 20 on Tax Map 11 in the Lombardee subdivision.

The property is zoned R5 – Residential District. This waterfront site on Stoney Creek is located within the Chesapeake Bay Critical Area overlay, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a two-story, single-family, detached dwelling with a basement, a pier, and other associated facilities including a recently erected shed that is the subject of this variance application.

PROPOSAL

The applicants seek after-the-fact approval for the construction of a shed in the rear (roadside) yard. The shed measures 10 feet by 20 feet (200 square feet).

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater shall be set back a minimum of seven feet from each side lot line. The shed was erected 2'-3" from the east side lot line, necessitating a variance of five feet.

FINDINGS

The subject property is generally rectangular in shape but is angled near the shoreline. The lot meets the minimum 50-foot width required and exceeds the minimum 5,000 square foot area required for a lot served by public sewer in an R5 District. The previously existing critical area lot coverage was 4,148 square feet, which already exceeded the maximum coverage allowance of 2,318 square feet by 1,830 square feet. The 200 square foot shed was constructed in the area previously occupied by an 80 square foot shed and 120 square feet of paving, resulting in the

same post construction coverage of 4,148 square feet. However, upon reconfiguration of existing critical area lot coverage, Section 17-8-403 requires a 10% reduction in the pre-existing coverage, or 183 square feet in this case. If the variance is approved, the applicant will have to demonstrate compliance with the coverage reduction requirement at the time of permitting.

The property is the subject of an open compliance case (B-2025-1252) for construction of a shed without a permit. The property was the subject of two prior variance applications. Under case no. 1995-0485-V, approval was granted to allow a dwelling with less setbacks than required. Under case no. 2024-0137-V, approval was granted to allow a pier and mooring pilings with less setbacks than required.

The applicants' letter explains that their request constitutes minimum relief because it is due to the location of the existing shed. They also note that other people have similar amenities and that denial would result in an unwarranted hardship. However, they did not provide any justification as to why the shed could not have been constructed in a location that meets, or at least comes closer to meeting, the minimum side setback required.

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

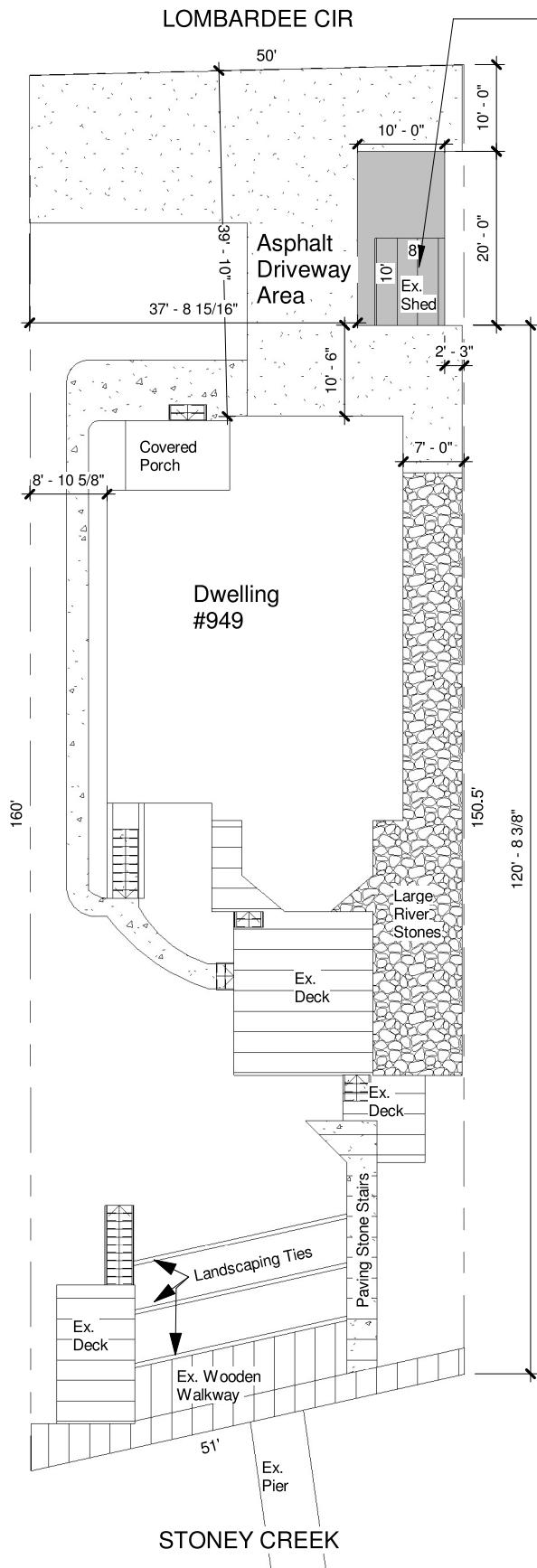
For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants. There is nothing unique about this particular lot nor do exceptional circumstances appear to exist that would have prevented the applicants from constructing the shed in an alternative location, further from the east side property line or even on the opposite (west) side of the yard in accordance with the minimum side setback. As a general rule, this Office does not typically support variances for structures that are closer than three feet from a lot line because that does not provide adequate room for on-site access to the structure for regular repairs and maintenance.

Approval of the shed variance would not alter the essential character of the neighborhood, as there are other accessory structures nearby that do not appear to meet the minimum side setback requirement. The variance would not impair the appropriate use or development of adjacent property, as the property to the immediate east contains a long shed in a similar location close, if not on, the same lot line shared with the subject property. There is no evidence that the proposed variance would be detrimental to the public welfare. However, because no explanation has been given to demonstrate why alternative options did not exist that would minimize, if not eliminate, the variance altogether, the variance cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the requested zoning variance.

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.



Remove Ex. 8'x10' Shed
And Replace with 10' x 20' Shed

Proposed Shed

Impervious Surface

EXISTING

Dwelling Including Porch	1,675 SF
Asphalt Driveway Etc.	1,327 SF
Sidewalk	333 SF
Stone Area	584 SF
Paving Stone Stairs	112 SF
Landscaping Ties	37 SF
Ex. Shed	80 SF

PROPOSED

Remove 8x10 Shed	-80 SF
Add 10 x 20 Shed	200 SF
Asphalt Driveway Etc.	-120 SF

No New Impervious Surface



① Site
1" = 20'-0"

Property Info:
949 Lombardee Circle
Glen Burnie, MD 21060

Dist 03 Sub 500 Acct 01817200
Map 0011 Grid 0020 Parcel 0150
Lot 25
Neighborhood 3010050.02

949 Lombardee Circle

Project number	Project Number	A100
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
Scale		1" = 20'-0"

8/15/2025

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Attn: Ms. Lori Rhodes
• Variance Letter of Explanation

Property Owners: David A. Hartzell
Property Address: 949 Lombard Circle
Glen Burnie, Maryland 21060
Tax Acct No. 3500-0181-7200
Tax Map 11, Grid 20, Parcel 150 Lot 25

Dear Ms. Rhodes.

The purpose of this letter is to outline the applicants' request for a Variance to perfect a violation (B-2022-2022) for the detached shed. The improvements include detached shed with less setbacks to the side property lines.

The property consists of approximately 7273 Sq Ft. The site is zoned R5-Residential. It is located within the critical area and is designated as limited development area (LDA) and Buffer Exempt. The property is served by public water and sewer.

The property is currently improved with 2 story single-family detached dwelling.

The proposed work removed existing shed 8'X10' and replaced with 10'X20' Shed. No further stormwater management needs to be addressed.

The application meets the requirements for a variance (the request will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, substantially impair the appropriate use or development of adjacent property; The request constitutes minimum relief because it is due to the location of the existing shed. Denying the requested variance, based on the minimum distance to the property lines the facts of this application, would constitute an unwarranted hardship. Other people have similar amenities and, therefore, granting the application would grant the applicants rights enjoyed by other property owners and would not constitute a special privilege. Granting the application would be in the spirit and intent of the critical area program.

If you should have any questions or comments, please do not hesitate to contact me at (410) 818-9356.

Sincerely,
David A. Hartzell
David A. Hartzell

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 8/4/25

Tax Map #	Parcel #	Block #	Lot #	Section
11	150			

Tax ID: 3500-0181-7200

FOR RESUBMITTAL ONLY

Corrections ☐
Redesign ☐
No Change ☐
Non-Critical Area ☐

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) 949 Lombardee Circle Lomardee

Project location/Address 949 Lombardee Circle

City Glen Burnie Zip 21060

Local case number

Applicant: Last name Hartzell First name David A.

Company

Application Type (check all that apply):

Building Permit	☐	Variance	☒
Buffer Management Plan	☐	Rezoning	☐
Conditional Use	☐	Site Plan	☐
Consistency Report	☐	Special Exception	☐
Disturbance > 5,000 sq ft	☐	Subdivision	☐
Grading Permit	☐	Other	☐

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Existing single family dwelling

Intra-Family Transfer ☐
Grandfathered Lot ☐

Growth Allocation ☐
Buffer Exemption Area ☒

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☐
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area					200
LDA Area		7273			
RCA Area					
Total Area		7273			

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		4148
Created Forest/Woodland/Trees			New Lot Coverage		4148
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		4148

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer ☐
Forest Clearing ☐
HPA Impact ☐
Lot Coverage ☐
Expanded Buffer ☐
Nontidal Wetlands ☐
Setback ☐
Steep Slopes ☐
Other ☐

Structure

Acc. Structure Addition ☐
Barn ☐
Deck ☐
Dwelling ☐
Dwelling Addition ☐
Garage ☐
Gazebo ☐
Patio ☐
Pool ☐
Shed ☒
Other ☐

CRITICAL AREA REPORT CRITERIA

- A. Existing residential dwelling Zoned R-5 with critical area buffer exempt and designate of LDA.**
- B. Existing trees and grass on the property.**
- C. The limit of disturbance 200 sq ft and no mitigation will be required over existing driveway.**
- D. Work has been completed and stabilized.**
- E. The existing impervious coverage 7273 sq ft no change**
- F. N/A**



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: David A. Hartzell
949 Lombardee Circle
Glen Burnie, MD 21060

NUMBER: 2025-0168-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow 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



5/15/25 12:54:59
179° S
930 Lombard Circle
Glen Burnie

North



West

East

South