

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

APPLICANT: Nicholas Tomas & Christa Tomas

ASSESSMENT DISTRICT: 5

CASE NUMBER: 2025-0195-V

COUNCIL DISTRICT: 1

HEARING DATE: November 25, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an addition to an accessory structure (detached garage) with less setbacks than required on property located at 531 Hawthorne Road in Linthicum Heights.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 18,000 square feet of land and is located on the south side of Hawthorne Road. It is identified as Lot 150 in the Linthicum Heights Annex subdivision, Parcel 55 in Grid 8 on Tax Map 4. The property is zoned R5 – Residential District, and does not lie within the Chesapeake Bay Critical Area. It is improved with a one and a half-story dwelling, a detached garage, a shed, an above ground pool, and other associated facilities.

PROPOSAL

The applicants propose to construct an addition to the front of the existing detached garage (13ft x 24ft x 14ft in height) in order to create a covered outdoor space.

REQUESTED VARIANCES

§ 18-4-701 provides that an accessory structure in an R5 District shall be set back a minimum of seven feet from the side lot line. The proposed addition would be constructed as close as two feet to the side lot line, necessitating a variance of five feet.

FINDINGS

The subject property is rectangular in shape and exceeds the minimum lot size of 5,000 square feet and the minimum lot width of 50 feet for lots served by public sewer in the R5 District. A review of the County aerial photography shows that several properties have accessory structures located closer to their lot lines. However, permits were not found for those properties.

Agency Comments

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

The **Office of Planning & Zoning - Cultural Resources Team** noted that this property is located on a Scenic and Historic Road, and offered no objection to the request.¹

The **Maryland Aviation Administration** noted that property is located within the BWI Marshall 4-mile radius, which requires an Airport Zoning Permit.²

Variance Criteria

For the granting of a 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.

In this particular case, there does not appear to be anything unique about the subject property, nor do exceptional circumstances exist that would prevent the applicants from developing the lot in conformance with the Code. The lot appears to have ample space, in particular to the east side of the existing garage, to locate a covered gazebo-type structure.

The illegally placed structures on nearby lots notwithstanding, the granting of the variance will alter the essential character of the neighborhood or district in which the lot is located. The proximity of the garage addition to the side lot line will make it impossible to maintain the structure solely from the applicants' property. As such, the variance will substantially impair the appropriate use or development of the adjacent property, and may be detrimental to the public welfare.

For the reasons stated above, the request is not considered to be the minimum necessary to afford relief, and this Office cannot support the proposed variance.

RECOMMENDATION

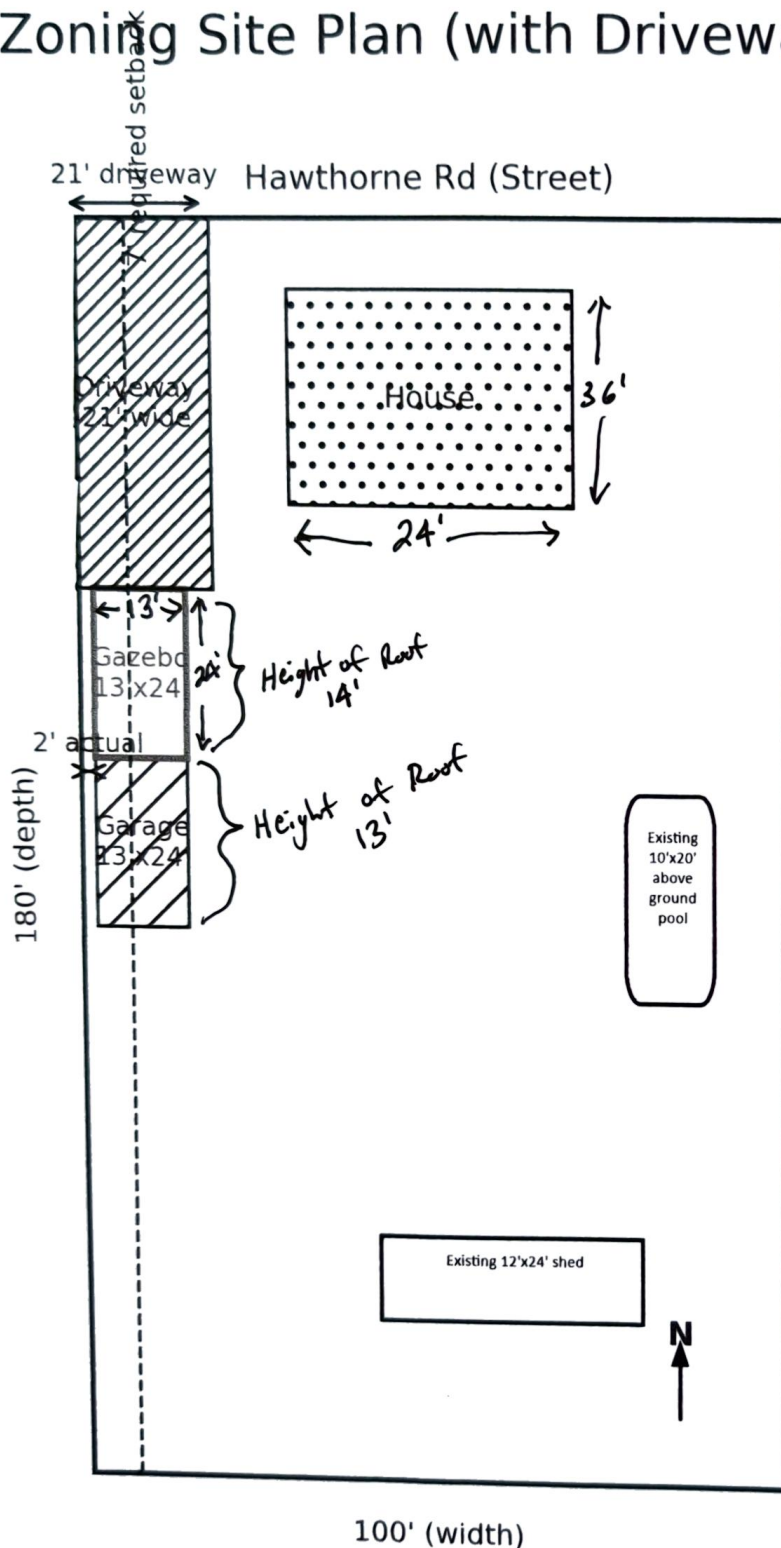
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the requested variance to § 18-4-701 to allow an accessory structure addition with less setbacks than required.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

¹ Refer to the OPZ Cultural Resources's comments for their detailed response.

² Refer to the MDOT MAA's comments for their detailed response.

Zoning Site Plan (with Driveway)



Variance Summary

Lot Dimensions	100 ft (width) x 180 ft (depth)
Garage Setback	2 ft from left property line (7 ft required)
Proposed Gazebo	13 ft x 24 ft, attached to front of garage (street-facing)
Variance Requested	Approval for 2 ft setback where 7 ft is required
Scale	1 inch = 20 feet

Zoning Site Plan (Black & White, with North Arrow)

Variance Request Package

Letter of Explanation for Side Setback Variance Request

Nicholas Tomas
531 Hawthorne Rd
Linthicum Heights, MD 21090
(410) 960-6726
ntomas16@gmail.com
September 19, 2025

09-19-25

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

Dear Members of the Zoning Board,

I am writing to request a variance from the required side yard setback for my property located at 531 Hawthorne Road, Linthicum Heights, MD 21090. The variance is necessary to allow for the construction of a 13-foot wide by 24-foot long gazebo-style roof structure with walls on two sides, to be attached to the front of the existing detached garage. The proposed structure will be approximately 14 feet in height and is intended to create a functional, covered outdoor space.

According to Anne Arundel County zoning regulations, a 7-foot side yard setback is required. However, the proposed structure would be located 2 feet from the side property line. I am therefore requesting a variance to allow a 5-foot encroachment into the required setback area.

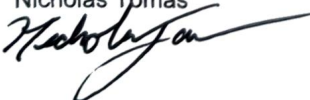
Justification for the Variance

1. Unique Lot Conditions – The configuration of the lot and the placement of the existing detached garage limit available space for improvements while maintaining compliance with current setback regulations.
2. Minimal Impact on Adjacent Properties – The gazebo-style addition will preserve sufficient open space, privacy, and visibility for neighboring properties. Its modest size and open design will not interfere with light, air, or the general character of the area. Similar structures exist within the community.
3. Not a Self-Created Hardship – This variance request arises from the existing layout of the property and garage. The hardship is not self-imposed but a result of existing conditions that limit where functional outdoor structures can reasonably be placed.
4. Reasonable Use of Property – Without this variance, the ability to improve and utilize outdoor space in a meaningful way would be significantly reduced. The structure will enhance the property's function while remaining consistent with the intent of the zoning regulations.

All required plans, site drawings, and application materials are included with this submission. I am available to attend the public hearing and provide any additional information the Board may require.

Thank you for your time and consideration of this request.

Sincerely,
Nicholas Tomas

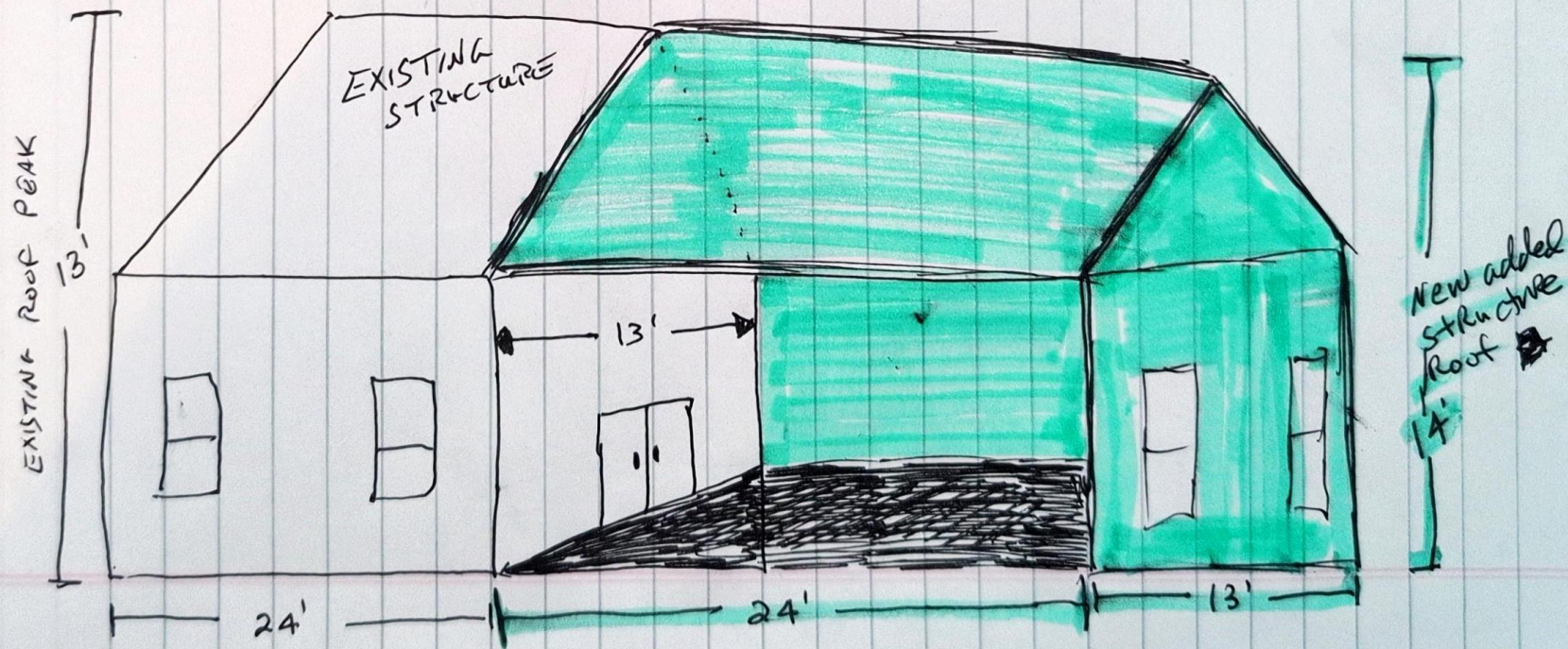






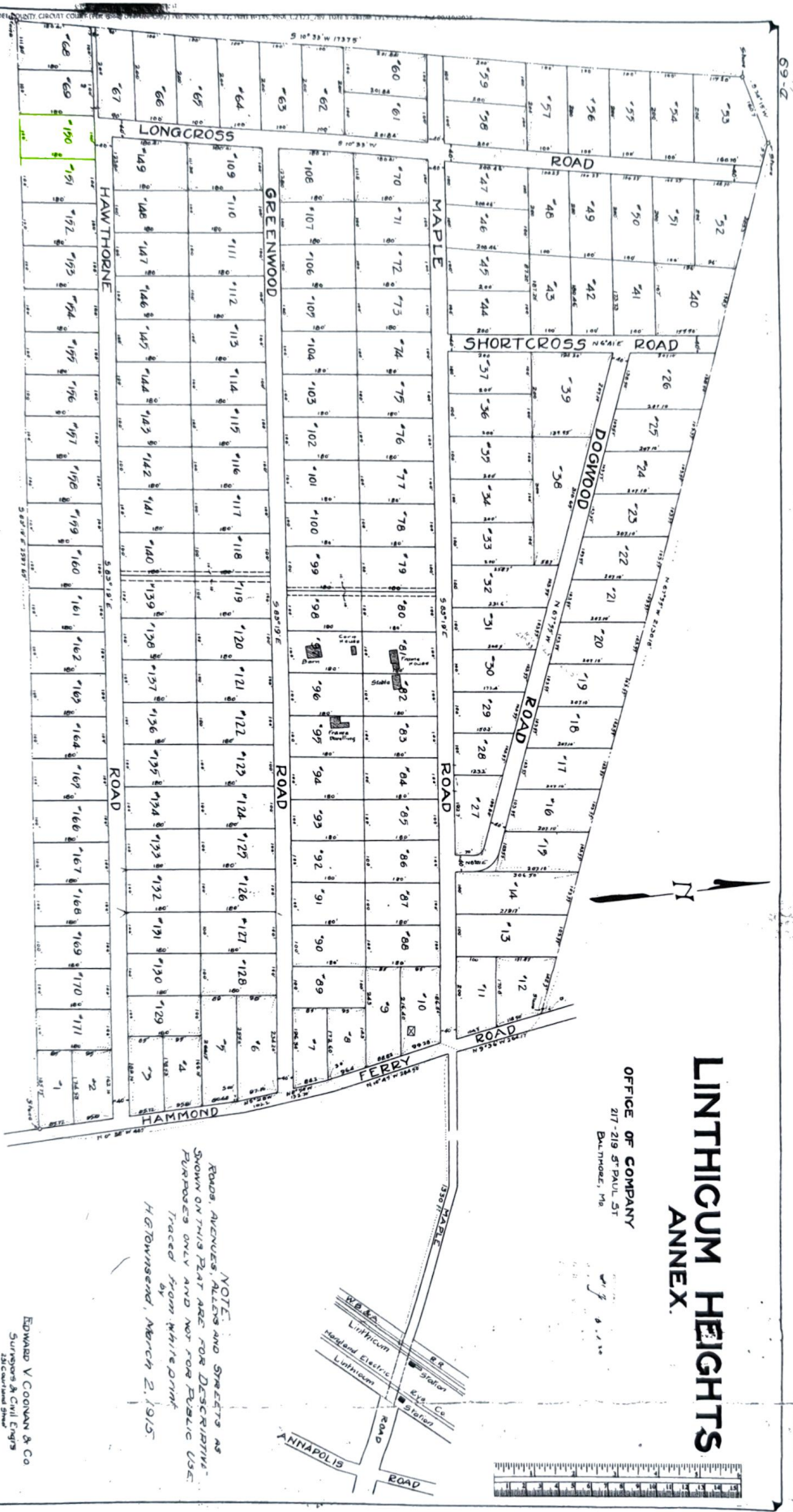
new structure

- with solid back wall against fence/trees.
- with solid street facing wall w/ 2 windows.
- the side facing the yard to remain open to create mostly covered patio.



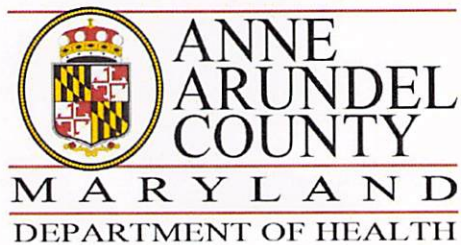
LINTHICUM HEIGHTS ANNEX.

OFFICE OF COMPANY
217-219 S PAUL ST
BALTIMORE, MD



NOTE.
ROADS, AVENUES, ALLEYS AND STREETS AS
SHOWN ON THIS PLAT ARE FOR DESCRIPTIVE
PURPOSES ONLY AND NOT FOR PUBLIC USE
Traced from Whitefront
by
H. G. Townsend, March 2, 1915.

EDWARD V. COONAN & CO
SURVEYORS & PLAT ENGINEERS
215 CALVERT STREET
BALTIMORE, MD
Sept 23, 1901
D-69



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

A handwritten signature in blue ink, appearing to be "BC", located to the right of the "FROM:" line.

DATE: September 26, 2025

RE: Nicholas A. Tomas
531 Hawthorne Road
Linthicum Heights, MD 21090

NUMBER: 2025-0195-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an addition to an accessory structure (detached garage) 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

2025-0195-V

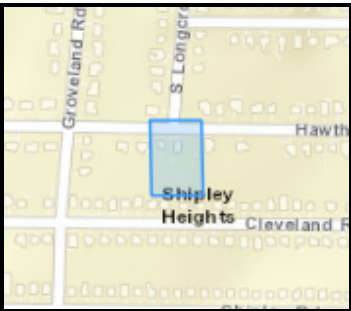
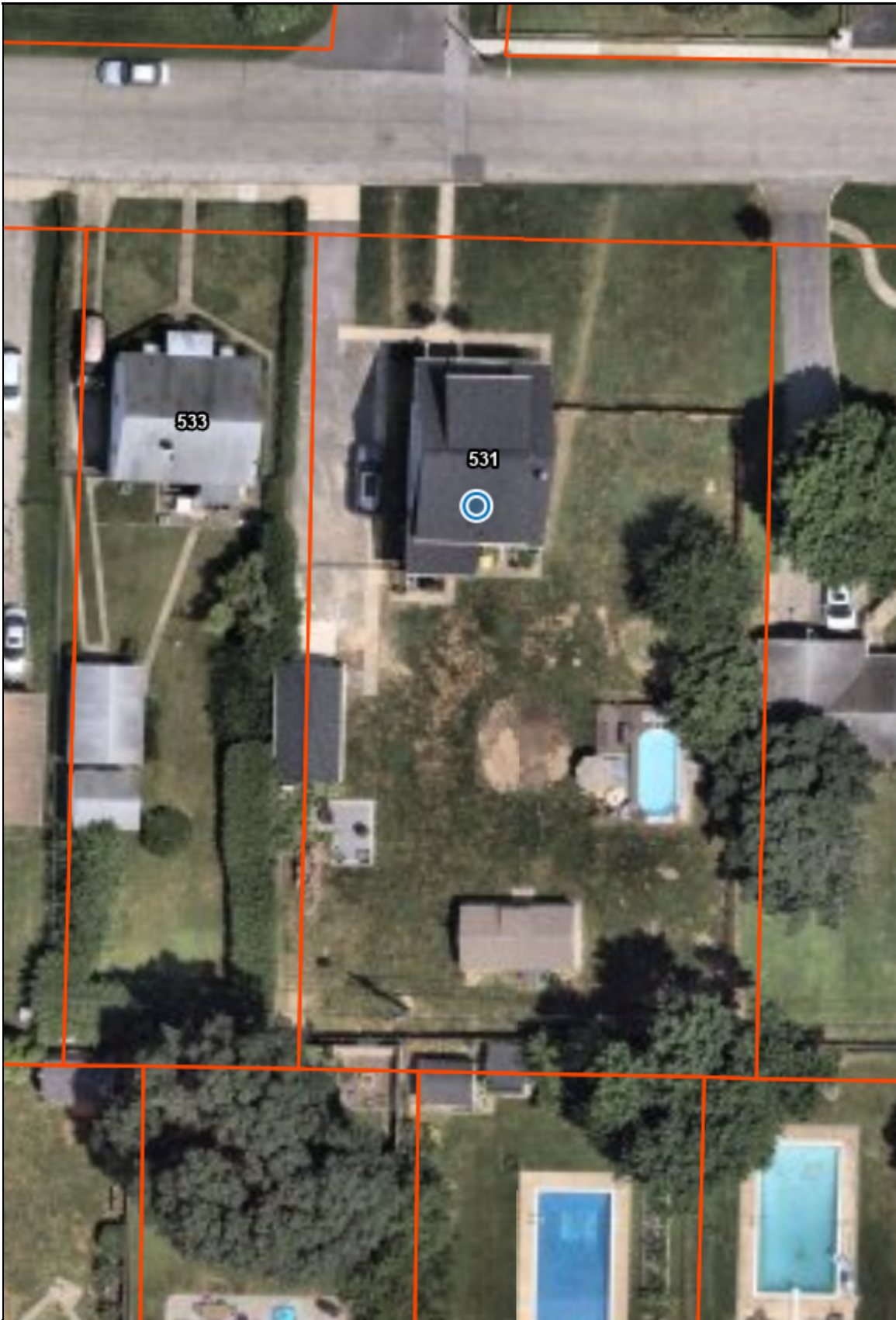
<div>Menu</div>		<div>Cancel</div>	<div>Help</div>
<div>Task</div> <div>OPZ Cultural Resources</div> <div>Assigned to Department</div> <div>OPZ Cultural Resources</div> <div>Action by Department</div> <div>OPZ Cultural Resources</div> <div>Start Time</div>		<div>Due Date</div> <div>10/16/2025</div> <div>Assigned to</div> <div>Stacy Poulos</div> <div>Action By</div> <div>Stacy Poulos</div> <div>End Time</div>	<div>Assigned Date</div> <div>09/25/2025</div> <div>Status</div> <div>Complete w/ Comments</div> <div>Status Date</div> <div>09/26/2025</div> <div>Hours Spent</div> <div>0.0</div> <div>Comments</div> <div>This property is located on a Scenic and Historic Rd., Hawthorne Rd., which is subject to development criteria in Article 17-6-504. The Cultural Resources Section has no objection to this variance request. The proposed presents no adverse effect to this road.</div> <div>In Possession Time (hrs)</div> <div>Comment Display in ACA</div> <div><input checked="" type="checkbox"/> All ACA Users</div> <div><input checked="" type="checkbox"/> Record Creator</div> <div><input checked="" type="checkbox"/> Licensed Professional</div> <div><input checked="" type="checkbox"/> Contact</div> <div><input checked="" type="checkbox"/> Owner</div> <div>Workflow Calendar</div>
<div>Billable</div> <div>No</div>	<div>Overtime</div> <div>No</div>		
<div>Time Tracking Start Date</div> <div>Display E-mail Address in ACA</div> <div>No</div>	<div>Est. Completion Date</div> <div><input checked="" type="checkbox"/> Display Comment in ACA</div>		
<div>Estimated Hours</div> <div>0.0</div>	<div>Action</div> <div>Updated</div>		
<div>Task Specific Information</div>			
<div>Expiration Date</div> <div>Reviewer Phone Number</div>		<div>Review Notes</div> <div>Reviewer Email</div>	<div>Reviewer Name</div>

2025-0195-V


Menu		Cancel	Help
Task MDOT MAA		Assigned to Department MDOT MAA	Assigned to Shawn Ames
Action by Department MDOT MAA		Action By Shawn Ames	Assigned Date 09/25/2025
Start Time		End Time	Status Complete w/ Comments
Billable No		Overtime No	Status Date 09/26/2025
Time Tracking Start Date		Est. Completion Date	Hours Spent 0.0
Display E-mail Address in ACA No		<input checked="" type="checkbox"/> Display Comment in ACA	Comments Address is located within BWI Marshall 4-mile radius. Applicant must file for an Airport Zoning Permit (AZP) with the Maryland Aviation Administration (MAA) Office of Planning and Environmental Services (OPES) in accordance with Code of Maryland (COMAR) 11.03.06.03A. Permit application can be accessed on MAA website under permits and forms tab. Once application is completed, it will be sent to maaairportzoningpermit@bwiairport.com
Estimated Hours 0.0		Action Updated	In Possession Time (hrs) Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
			Workflow Calendar
Task Specific Information			

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

531 Hawthorne Road (2025-0195-V)



- Legend
- Foundation
 - Addressing
 - Parcels
 - Parcels - Annapolis City



04080ft

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. DO NOT USE FOR NAVIGATION.

Nearmap

Notes