

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

APPLICANT: Christopher Gill

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0201-V

COUNCIL DISTRICT: 3

HEARING DATE: December 11, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a variance to allow an extension of time for the implementation and completion of a previously approved variance on property located at 331 Eagle Hill Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of approximately 2.38 acres of land and is located with 160 feet of frontage on the southeast side of Eagle Hill Road, approximately 425 feet southwest of Peat Bog Lane. The property is identified as Lot 19 on Parcel 346 in Block 19 on Tax Map 25 in the Eagle Hill subdivision. The property is zoned RLD – Residential Low Density District. This property lies entirely within the Critical Area Overlay and is designated as LDA - Limited Development Area. The site is currently improved with a two-story single-family detached dwelling with a basement. The site is served by a private well and septic system.

PROPOSAL

The applicant proposes to construct an L-shaped detached garage 42 feet wide by 46 feet deep by 22 feet high (one story) and a parking area.

REQUESTED VARIANCES

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within eighteen months of approval.

On April 2, 2024, under case number 2024-0012-V, the Administrative Hearing Officer granted the following variance:

1. A zoning variance to the prohibition of in § 18-2-204(b) against accessory structures in the front yard of nonwaterfront lots to allow the proposed garage to be built as shown in County Exhibit 2.
2. The foregoing variances are subject to the condition that the applicant shall comply 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.

FINDINGS

This application for an extension in time was properly made prior to the expiration of the eighteen month time period.

The applicant's letter explains unforeseen issues that arose during the procurement of the required building permits. The applicant was originally using a permit expediter to acquire the necessary building permits. Building permit B02426544 was applied for May 31, 2024 by the expediter and revisions were required. The expediter unexpectedly passed away, in May of 2025, before the building permits were acquired. As such, a permit for the garage has not yet been issued and construction of the garage has not yet begun, requiring an extension of time on the variances granted on April 2, 2024.

Regarding the requirements for variances, there is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or 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 zoning variances to § 18-2-404(b) to allow an 18 month extension in time for the implementation and completion of previously approved variances.

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.

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

M.A.F. & Associates, LLC

September 30, 2025

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: Eagle Hill, Lot 19
331 Eagle Hill Road, Pasadena, MD 21122
Previous Case Number 2024-0012-V

Dear Planner:

On behalf of the property owner, M.A.F. & Associates, LLC is submitting a variance application for the above-mentioned property to 18-16-405 (a) to extend the timeframe to obtain a building permit by an additional 18 months. This variance (Case Number 2024-0012-V) approval was filed on April 2, 2024 and expires on October 2, 2025.

We make this request based on the property owner's current situation. The property owner had a permit expediter processing the application for building permit for him. Unfortunately, the person that was processing the building permit, passed away in May of this year.

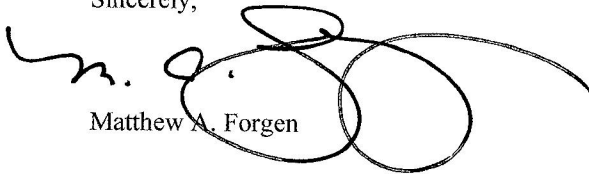
When he found out about the passing of the permit expediter, he was made unaware that the processing of the permit was not happening at a fast enough pace to get an approval building permit before the expiration of the approved variance. He was unaware of the permit issues that still needed to be addressed.

I have since been hired to process the required paperwork to address the comment generated by the building permit review. Unfortunately, the processing of the paperwork will not happen quick enough to get the building permit issued prior to October 2, 2025.

Approval of this variance request will allow the property owner the time needed to receive an approved building permit.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,



Matthew A. Forgen

DEED

THIS DEED, made this 26th day of December, 2019, by and between
PAUL K. DEGONIA and CATHIE A. DEGONIA, TRUSTEES OF THE DEGONIA
FAMILY TRUST (the "Grantor"), and **CHRISTOPHER GILL** (the "Grantee").

WITNESSETH, that in consideration of the sum of **SIX HUNDRED TWENTY**
EIGHT THOUSAND DOLLARS AND NO CENTS (\$628,000.00), the receipt and
 legal sufficiency of which are hereby acknowledged, the Grantor does hereby grant
 convey and assign to the Grantee, his personal representatives, heirs and assigns,
 in fee simple, the real property located in Anne Arundel County, Maryland, and
 described as follows:

ALL of that lot, piece and parcel of ground lying and being in the Third
 Assessment District of Anne Arundel County in State of Maryland which
 is shown and designated as Lot Numbered Nineteen (19) as set forth on
 Plat 4, EAGLE HILL, which plat is recorded among the Land Records of
 Anne Arundel County in Plat Book No. 72, folio 11.

BEING the same property granted and conveyed to The DeGonia Family
 Trust, by virtue of Deed dated May 16, 2016 and recorded among the
 Land Records of Anne Arundel County in Liber RPD 29588, folio 310.

TOGETHER with all improvements thereupon, and the rights, alleys, ways,
 waters, easements, privileges, appurtenances, and advantages belonging or
 appertaining thereto.

TO HAVE AND TO HOLD the property hereby conveyed to the Grantee, his
 personal representatives, heirs and assigns, in fee simple, forever.

THE Grantor warrants that it has not done or suffered to be done any act,
 matter or thing whatsoever, to encumber the property hereby conveyed; that it will
 warrant specially the property hereby granted; and that it will execute such further
 assurances of the same as may be requisite.

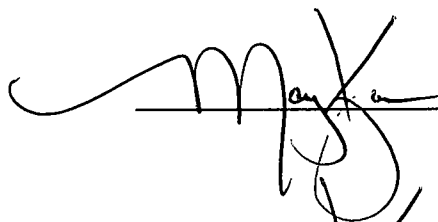
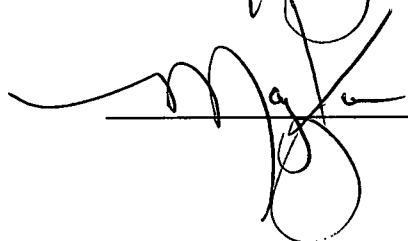
ACCT. 3240-90022916
 ALL LIENS ARE PAID AS
 OF 2/31/19 A.A. COUNTY
 BY: V86


LR - Deed (w Taxes)
 Recording only ST20.00
 Name: degonia
 Ref:
 LR - Deed (with Taxes) 40.00
 LR - Deed State
 Transfer Tax 1,570.00
 LR - NK Tax - 1kd 0.00
 Subtotal: 1,630.00
 Total: 1,690.00
 01/02/2020 02:08
 CC02-TT
 #13197632 CC0501 -
 Anne Arundel
 County/CC05.01.10 -
 Register 10


01/02/20 11:42 AM C 0002 R 0002
 Val #: 0002-228336 \$6,280.00
 County Transfer Tax

WITNESS the hands and seals of the authorized Trustees for the Grantor:

WITNESS:

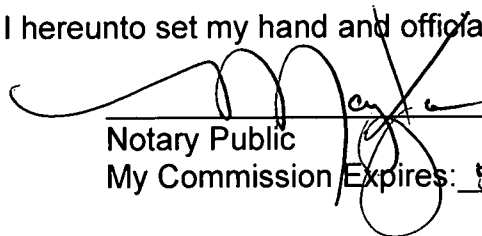
 (SEAL)
 Paul K. DeGonia, Trustee of the
 DeGonia Family Trust

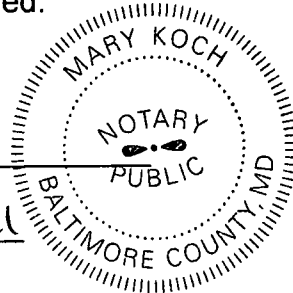
 (SEAL)
 Cathie A. DeGonia, Trustee of the
 DeGonia Family Trust

STATE OF MARYLAND, COUNTY OF BALTIMORE TO WIT:

I HEREBY CERTIFY that on this 20th day of December, 2019 before me, a Notary Public of the State of Maryland, personally appeared PAUL K. DEGONIA, Trustee of the DeGonia Family Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

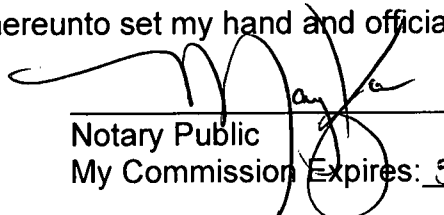

 Notary Public
 My Commission Expires: 5.13.21

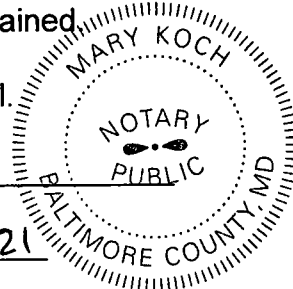


STATE OF MARYLAND, COUNTY OF BALTIMORE TO WIT:

I HEREBY CERTIFY that on this 20th day of December, 2019 before me, a Notary Public of the State of Maryland, personally appeared CATHIE A. DEGONIA, Trustee of the DeGonia Family Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


 Notary Public
 My Commission Expires: 5.13.21



**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 Information

Name of Transferor: Paul K. DeGonia and Cathie A. DeGonia, Trustees of the DeGonia Family Trust

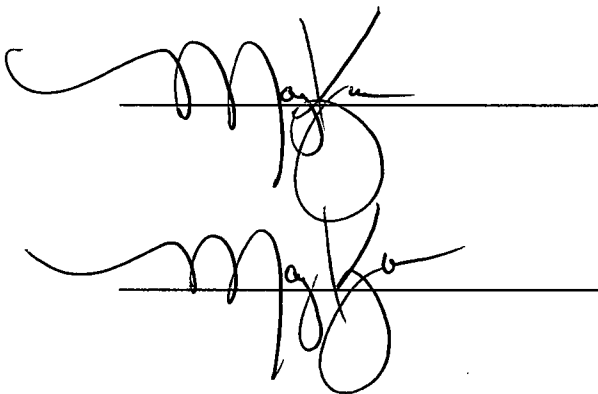
2. Reasons for Exemption


Resident Status: X Transferor is a resident entity under §10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferors, and have authority to sign this document on Transferors' behalf.


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.

3. Transferor

WITNESS:



 (SEAL)
Paul K. DeGonia, Trustee of the
DeGonia Family Trust

 (SEAL)
Cathie A. DeGonia, Trustee of the
DeGonia Family Trust

I HEREBY CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Molly K. Decker

Tax Account No.: 3240-9002-2916

Address for Grantees:

Christopher Gill
331 Eagle Hill Road
Pasadena, Maryland 21122

After recording, please return this instrument to:

Northco Title Corporation
7419 Baltimore-Annapolis Blvd.
P. O. Box 1330
Glen Burnie, MD 21060

(NTC File # 2019235)

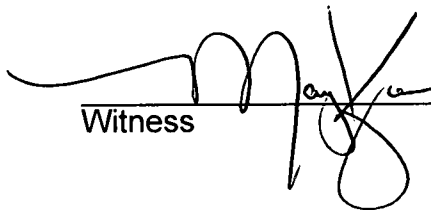
**AFFIDAVIT OF GRANTEE AS
FIRST-TIME MARYLAND HOME BUYER**

The undersigned states under oath as follows:


1.) The undersigned is the Grantee of residentially improved real property located at 331 Eagle Hill Road, Pasadena, MD 21122.

2.) The undersigned is:

a first-time Maryland home buyer, defined as an individual who has never owned in the State residential real property that has been the individual's principal place of residence, who will occupy the property as Grantees principal residence.

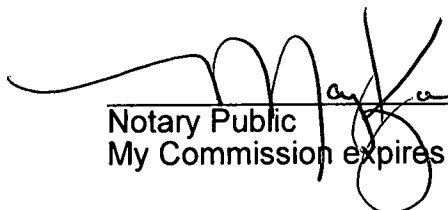


Witness

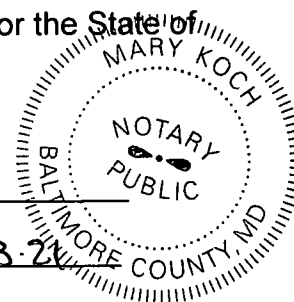


Christopher Gill

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Maryland, County of Baltimore, this 20th day of December, 2019.



Notary Public
My Commission expires: 5-13-21



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)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	(<input type="checkbox"/> Check Box if addendum Intake Form is Attached.)			
		1 Deed	Mortgage	Other	Other
2	Conveyance Type Check Box	2 Deed of Trust	Lease		
3	Tax Exemptions (if applicable) Cite or Explain Authority	Improved Sale Arms-Length [1]	Unimproved Sale Arms-Length [2]	Multiple Accounts Arms-Length [3]	Not an Arms-Length Sale [9]
		Recordation			
		State Transfer			
		County Transfer			

4	Consideration and Tax Calculations	Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration	
		Purchase Price/Consideration	\$ 628,000.00	Transfer Tax Consideration	\$
		Any New Mortgage	\$ 519,500.00	X () % =	\$
		Balance of Existing Mortgage	\$	Less Exemption Amount -	\$
		Other:	\$	Total Transfer Tax =	\$
		Other:	\$	Recordation Tax Consideration	\$
		Full Cash Value:	\$	X () per \$500 =	\$
				TOTAL DUE	\$

5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:
		Recording Charge	\$ 40.00	\$ 40.00	
		Surcharge	\$ 20.00	\$ 20.00	
		State Recordation Tax	\$ 4,396.00	\$	
		State Transfer Tax	\$ 1,570.00	\$	
		County Transfer Tax	\$ 6,280.00	\$	
		Other	\$	\$	
		Other	\$	\$	

6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG	
			3240-9002-2916	29588/310				<input type="checkbox"/> (5)
		Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
		Eagle Hill		19			4	
		Location/Address of Property Being Conveyed (2)						
		331 Eagle Hill Rd., Pasadena, MD 21122						
		Other Property Identifiers (if applicable)					Water Meter Account No.	
		Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:						
		Partial Conveyance? <input type="checkbox"/> Yes <input type="checkbox"/> No Description/Amt. of SqFt/Acreage Transferred:						

7	Transferred From	Doc. 1 – Grantor(s) Name(s)		Doc. 2 – Grantor(s) Name(s)	
		Paul K. Degonia & Cathie A. Degonia, Trustees of the Degonia Family Trust		Christopher Gill	
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)		Doc. 2 – Owner(s) of Record, if Different from Grantor(s)	

8	Transferred To	Doc. 1 – Grantee(s) Name(s)		Doc. 2 – Grantee(s) Name(s)	
		Christopher Gill		State Employees Credit Union of MD., Inc.	
		New Owner's (Grantee) Mailing Address			

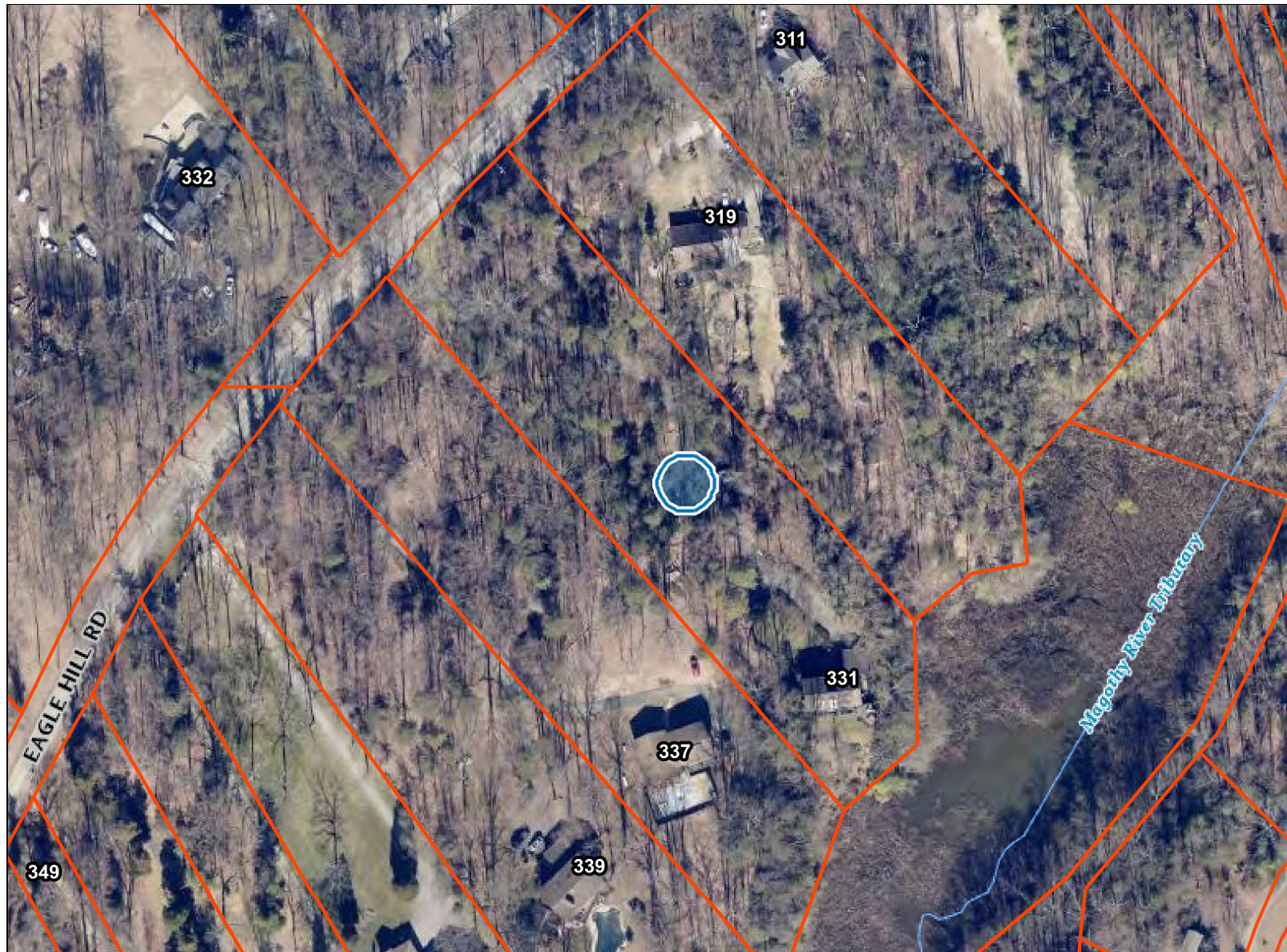
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)		Doc. 2 – Additional Names to be Indexed (Optional)	
				Kevin Kesecker and/or James C. Smith, III	

10	Contact/Mail Information	Instrument Submitted By or Contact Person			<input type="checkbox"/> Return to Contact Person <input type="checkbox"/> Hold for Pickup <input checked="" type="checkbox"/> Return Address Provided
		Name: Mary Koch			
		Firm Northco Title Corporation			
		Address: 7419 Baltimore Annapolis Blvd., Glen Burnie, MD 21061 Phone: (410) 760-5000			

11	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?		
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Does transfer include personal property? If yes, identify: _____		
		<input type="checkbox"/> Yes <input type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).		

Space Reserved for County Validation	Assessment Use Only – Do Not Write Below This Line									
	Terminal Verification		Agricultural Verification		Whole		Part		Tran. Process Verification	
	Transfer Number		Date Received:		Deed Reference:		Assigned Property No.:			
	Year	20	20		Geo.	Map	Sub	Block		
	Land				Zoning	Grid	Plat	Lot		
	Buildings				Use	Parcel	Section	Occ. Cd.		
	Total				Town Cd.	Ex. St.	Ex. Cd.			
	REMARKS:									

331 Eagle Hill Road



Legend

Foundation

Addressing



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.

none



0 150 300
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2024-0012-V

CHRISTOPHER GILL

THIRD ASSESSMENT DISTRICT

DATE HEARD: MARCH 26, 2024

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **JOAN JENKINS**

DATE FILED: **APRIL 2, 2024**

PLEADINGS

Christopher Gill, the applicant, seeks a variance (2024-0012-V) to allow an accessory structure (garage) in the front yard of a nonwaterfront lot on property with a street address of 331 Eagle Hill Road, Pasadena, MD 21122.

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. Christopher Gill 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 March 26, 2024, 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 160 feet of frontage on the southeast side of Eagle Hill Road, approximately 425 feet southwest of Peat Bog Lane, Pasadena (Tax ID: 3240-9002-2916). It is identified on Lot 19 of Parcel 346 in Block 19 on Tax Map 25 in the Eagle Hill subdivision. The property comprises 2.38 acres and is split-zoned RLD – Residential Low Density District

and OS – Open Space District. This lot is designated in the Chesapeake Bay Critical Area as limited development area (LDA).

The subject property is developed with a two-story single-family dwelling with a basement. The site is served by a private well and septic system.

The Proposed Work

The applicant seeks approval to construct an L-shaped detached garage 42' by 46' by 22' high (one story) and a parking area 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) prohibits the location of an accessory structure in the front yard of a nonwaterfront lot. As proposed, a locational variance is required for the detached garage.

The Variance Requested

The proposed work will require a zoning variance to the prohibition in § 18-2-204(b) against accessory structures in the front yard of nonwaterfront lots to allow the proposed garage to be built as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Joan A. Jenkins, a zoning analyst with OPZ, presented the following:

- The subject property is a long, narrow lot that exceeds the width and area requirements for a lot in the RLD district. The house was constructed in 1984.

- Currently the lot has 7,606 square feet of lot coverage. With the addition of 2,332 square feet of lot coverage for parking area and the proposed garage there will be 9,938 square feet of lot coverage, below the maximum lot coverage allowance.
- The current County aerial photograph from 2023 reveals an eclectic mix of various sized houses and lot sizes and shapes in this area. The existing dwelling on the property is located very close to the rear lot line as are other dwellings to the southwest, with no place to the side or rear to locate an accessory structure.
- The applicant has written that the area chosen for the garage is somewhat cleared, flat, and does not interfere with the well or septic system. The location allows for close access to the existing driveway minimizing impervious coverage.
- The Health Department commented that they do not have an approved plan for this project, but have no objection to the request as long as a plan is submitted and approved by the Health Department.
- To be granted a variance it must be found that because of certain 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. This is a developed lot where the location of existing structures is creating the need for the proposed location of the garage.

- The location of the detached garage could be considered to be in keeping with the neighborhood. The adjacent property at 319 Eagle Hill Road has a dwelling located closer to the road than the proposed garage. Given the distance from the road it is unlikely that the garage will seem out of place. While this is not a waterfront lot, it is in a waterfront community. In a waterfront community it is not uncommon for accessory structures to be on the roadside of the property.
- The granting of the variance will not impair the appropriate use or development of adjacent properties as the structure would be located in the middle of the lot. The variance will not be contrary to acceptable clearing and replanting practices. The granting of the variance will not be detrimental to the public welfare.
- This is a large property and the garage is not greater in floor area than the principal structure. OPZ considers the variance to be the minimum necessary to afford relief as any accessory structure would require a locational variance.
- Based upon the standards set forth in § 18-16-305, under which a variance may be granted, OPZ recommends approval of a variance as shown on the site plan.

Other Testimony and Exhibits

The applicant was assisted at the hearing by Damon Cogar of Atlantic Development Services Group, LLC. Evidence was presented that the applicant cannot build the proposed garage anywhere else on his property except in the front yard. In all other regards, no zoning or critical area variances are needed.

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

DECISION

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain 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

(2) 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 variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. “Uniqueness” requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People’s Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People’s Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary’s County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, 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.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variance

The applicant wishes to build a garage on his property. Because his dwelling was built to the rear of his property, he cannot build the desired garage without a variance to § 18-2-204(b) which prohibits accessory structures in the front yard of a nonwaterfront lot.

This case raises the question of the purpose of a rule that prohibits accessory structures in the front yard of a nonwaterfront lot. The County Council, when it enacted § 18-2-204(b), was obviously thinking of the typical subdivision where the houses are uniform and set back the same distance from the street. Filling in the front yard with sheds, gazebos, and garages would change the character of the neighborhood. That concern is not present in this case where the subject property has already been developed with the dwelling being placed to the rear. The other nearby properties are also larger than normal for a residential lot.

Zoning restrictions on property are “bulk” regulations, i.e., they are applied to all properties as if there were no differences among them. The mechanism to vary the Code to take into account the characteristics of individual properties lies in this Office. § 18-16-305(a) allows the Administrative Hearing Officer to vary or modify the provisions of the Code when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of the Code. That is the case in this application. The requested variance will be granted.

I further find that the granting of a zoning variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development and resource conservation areas of the critical area, 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 Christopher Gill, petitioning for a variance to allow an accessory structure (garage) in the front yard of a nonwaterfront lot on property with a street address of 331 Eagle Hill Road, Pasadena, MD 21122;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **2nd day of April, 2024**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted** a zoning variance to the prohibition in § 18-2-204(b) against accessory structures in the front yard of nonwaterfront lots to allow the proposed garage to be built as shown on County Exhibit 2.

The foregoing variance is subject to the condition that the applicant shall comply 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. 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 variance granted herein. The reasonableness of any

such change shall be determined by the Office of Planning and Zoning and the Department of Inspection and Permits.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

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

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

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.

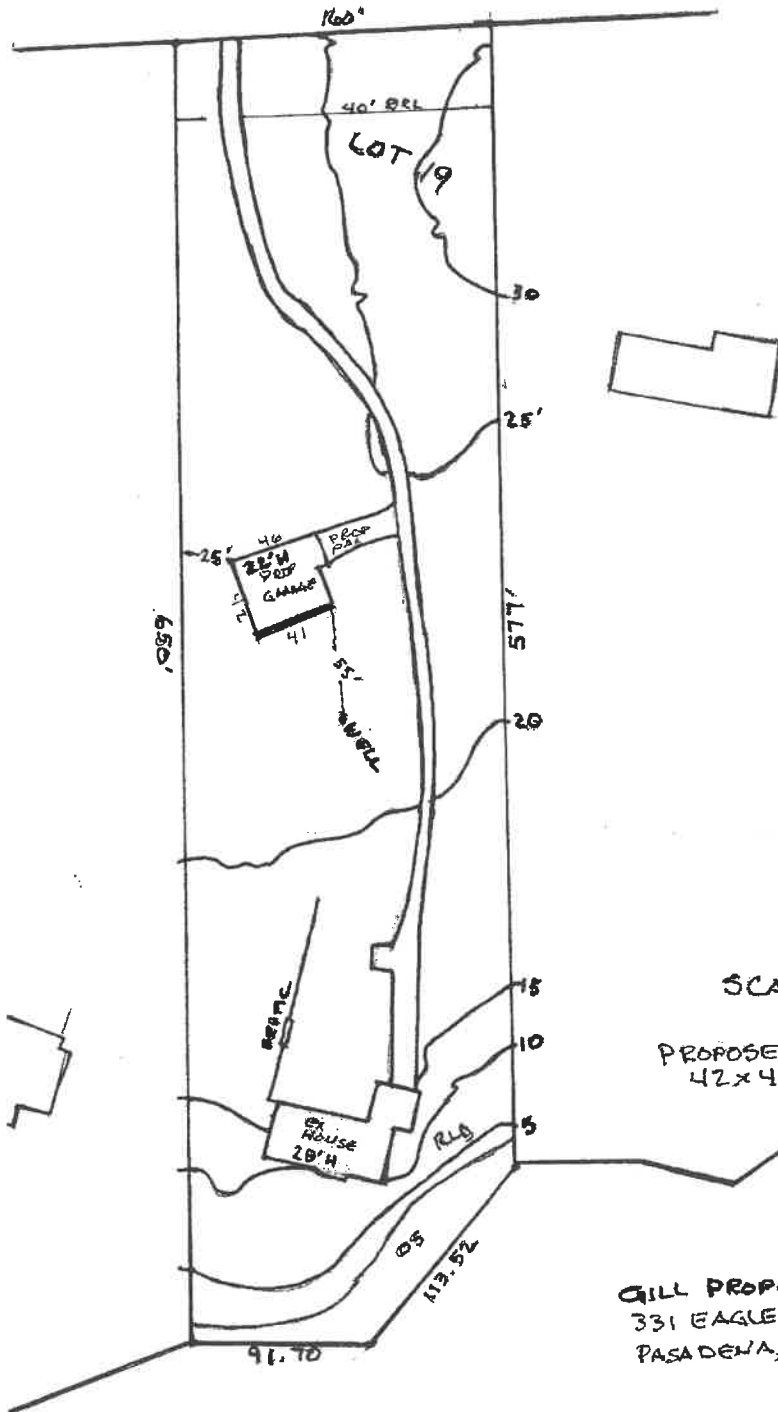
If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

EAGLE HILL RD. (40' ROW)

CO. EXHIBIT#: 2

CASE: 2024-0012-V

DATE: 3/20/24



ZONING RD/DOS CRITICAL DA

SCALE - 1-60

PROPOSED GARAGE
42x46

EX IMP ON SITE	7606
PROP. IMP	2332
PROP. IMP. TOTAL	9938
SITE SIZE	2.38 ACRES

GILL PROPERTY
331 EAGLE HILL RD.
PASADENA, MD. 21122