

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

APPLICANTS: Matthew & Barbara Coyle

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0226-V

COUNCIL DISTRICT: 3

HEARING DATE: January 15, 2026

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located at 438 Riverside Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,010 +/- square feet of land and is located with 40 feet of frontage on the east side of Riverside Drive. It is identified as Lots 141 & 142 in the Upper Magothy Beach subdivision, Parcel 343 in Grid 15 on Tax Map 24. The waterfront property is zoned R2 - Residential District, is located entirely 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 single-family detached dwelling, three sheds, a pier, and other associated facilities.

PROPOSAL

The applicants seek approval for an extension in time for the implementation and completion of a previously approved variance (2024-0046-V) relating to a detached garage (24' x 28' x 20'H).

REQUESTED VARIANCE

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance provides that a variance that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within eighteen months of approval. On May 16, 2024, the Administrative Hearing Officer approved a variance under case 2024-0046-V. That approval would have been valid until November 15, 2025. The applicant is requesting a variance to allow an 18-month extension in time to obtain a building permit while maintaining the previous approval.

FINDINGS

This application for an extension in time was properly made on November 6, 2025, prior to the expiration of the eighteen month time period.

Building permit B02439804, to construct a detached garage (24' x 28' x 20'H), was submitted on September 8, 2025, over fifteen months after the variance decision. The permit is pending review comments dated September 25, 2025.

For the granting of a time extension variance, a determination must be made as to whether the applicant diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicant delaying the permitting process.

MBAS Sheds assisted the applicants with both the original variance and the subject time extension requests, and with the building permit application. According to their company website, they offer design and construction of storage buildings, in addition to permit assistance¹. Presumably, based on this description, they would not be acting solely as the agent for the applicant in order to obtain approvals for another company to build the garage. In addition, their company is known to this Office as having extensive experience in obtaining permits for accessory structures, in and out of the Critical Area. As the Critical Area documents² had been submitted on March 10, 2024 under the original variance request, this information had been compiled well in advance of the building permit application.

The applicants' letter indicates that the delay was the result of the time it took to secure a builder to design the garage, and the sudden passing of their site work and foundation contractor. Given the evidence noted above, however, this explanation does not appear to justify the fifteen month delay in submitting a building permit application once the variance had been granted. It appears that the applicants have had the same builder/designer since the original variance request, and a contractor is not required to obtain a building permit. By delaying the permit submission, the applicants afforded themselves only two months to respond to permit comments.

While 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, it appears that the applicants did not diligently pursue a building permit. Therefore, this office cannot support the variance request.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends **denial** of a zoning variance to § 18-16-405(a) to allow an 18 month extension in time for the implementation and completion of a previously approved variance.

¹ <https://mbassheds.biz/> - "MBAS Sheds is a full service storage shed construction company. We handle every detail of your storage shed project including permitting, site preparation, shed construction and delivery. We always start with blocking to ensure a level grade. All building materials are prefabricated and built-on-site by our skilled Amish tradesmen. In some cases MBAS Sheds may be able to deliver a fully built shed to your location. No matter how unique your situation, we'll find a solution." and "Every shed and storage building is custom designed to your specifications."

² Critical Area Report Narrative, Topographic Map, Project Notification Application Form, and Critical Area Worksheet (the Worksheet is a document specific to building permits, not variances)

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.

Letter of Explanation for Variance Extension Request
Variance Case Number 2024-0046-V
Granted May 16, 2024

Subject Property:

438 Riverside Drive
Pasadena, MD 21122

Tax Account No.:

03-881-11256700

Owners:

Matthew Coyle
Barbara H. Coyle

Agent for Owners:

Applying as Applicant

MBAS Sheds
Linda Bachman
410-360-9717
bachmanshedsbuilders@gmail.com

We are requesting an extension for the above referenced Variance in order to complete the Permit process and obtain its approval. It was a long process in securing a builder to design a garage that would satisfy our needs at a cost that was reasonable for us. Plus the contractor that was quoting the removal of the impervious surfaces that would comply with the County's critical area requirements as well as quoting the foundation work passed away suddenly. We lost time in interviewing a new contractor and obtaining new quotes for that portion of the job.

We have spent several months responding to the Permit Office and various departments within the County satisfying their requirements because we are in a critical area. For instance, after several weeks corresponding back and forth, we were finally able to have a conference with the Environmental Health Director and his staff to discuss the attic and stairwell construction of the garage. We were being told we could not have a height above 6' 11" in the attic and we couldn't have a stairwell. It had to be fold down stairs. The problem was when calling the top area of a garage an "attic" on the drawing sets off alarms at the Environmental Health Department. It signals the possibility to them of making the upper area a "dwelling". We have no intention of doing that. Its strictly for storage. We're quite aware of the limitations of our septic system. So at the conference we compromised and agreed to have the builder redesign the upper garage area and define it as a "loft", with limited floor space, with a knee wall, and a stairwell. We are in our seventies and fold down stairs would be a safety issue for us. We need the upper storage area of the garage because we are removing three sheds off of the property in order to reduce the impervious surfaces to come into compliance with the critical area restrictions. The new drawings are being produced by our builder and we hope to get them soon.

Also we are currently responding to the Environmental Department's requirement relative to the "level of disturbance" of the shrubs and trees. We hope to resolve that issue soon.

Granting the extension of this Variance will allow us to move forward and complete the Permit process. Currently we are unable to while this Variance extension approval is pending.

We appreciate your consideration.