

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

APPLICANT: Martin & Lynn Ticar

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0227-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: January 20, 2026

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (first floor under existing second floor overhang) with less setbacks than required on property located at 338 Somerset Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 33,106 square feet of land and is located on the south end of Somerset Drive. It is identified as Parcel 251 in Grid 22 on Tax Map 24.

The property is zoned R1 – Residential District. This waterfront site is located entirely within the Chesapeake Bay Critical Area, 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 dwelling with an attached garage and other associated facilities.

PROPOSAL

The applicants seek approval to construct an 8' by 22' (176 square foot) first floor dwelling addition under an existing second floor overhang on the waterfront side of the house.

REQUESTED VARIANCES

§ 18-4-501 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R1 District shall be set back a minimum of 15 feet from each side lot line. The proposed addition would be constructed as close as 12.5 feet from the north side lot line, necessitating a variance of three feet.

FINDINGS

The subject property is roughly rectangular in shape and exceeds the minimum 30,000 square foot area and minimum 80-foot width required for a lot in an R1 District. The existing critical area lot coverage is 4,011 square feet, and no additional coverage is proposed.

A review of the 2024 County aerial photograph shows a neighborhood containing a variety of lot shapes and sizes improved with an eclectic mix of dwellings in this older waterfront community.

This Office located an approved building permit (B02349886) for the construction of a second story dwelling addition and an attached garage, neither of which meets the current minimum side setback requirements for the R1 District. This is because, prior to Bill 72-24 (effective July 1, 2025), the subject lot would have been considered substandard in both area and width. As such, at the time of the prior building permit approval, the property would have been allowed the benefit of reduced setbacks for undersized lots provided under § 18-2-301(f) of the Code. However, the lot is no longer considered substandard under the current bulk regulations for the district. Consequently, construction of a first floor addition under the previously permitted second floor overhang would be impossible without setback relief.

The applicants explain that they would like to enclose the space below the overhang to make some changes to their first-floor bedroom, bathroom, and closet. They intend to maintain the existing setback, not to increase it, and all improvements would stay within the existing footprint.

The **Health Department** has reviewed the on-site sewage disposal system and well water supply system for the property and has determined that the variance request does not adversely affect these systems. 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 or inherent in the lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this case, further development of the site is constrained by the practical limitations of an existing developed lot. The need for the variance results from the applicants' desire to make efficient and effective use of their existing dwelling footprint by constructing a modest first floor addition underneath an existing second floor overhang. The existing nonconforming structure appears to have been constructed legally, via an approved permit, in accordance with the setback requirements in place at that time.

Approval of the variances would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of adjacent properties. The addition would come no closer to the north side lot line than the existing second floor and would be located well away from the dwelling on the adjacent lot to the immediate north. There is no evidence to indicate that the variance would be detrimental to the public welfare.

Given the nonconforming location of the existing improvements, the modest size of the proposed addition, and the overall neighborhood context, the request for the side setback variance is justified and is deemed to be the minimum necessary to afford relief in this case.

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 proposed zoning variance.

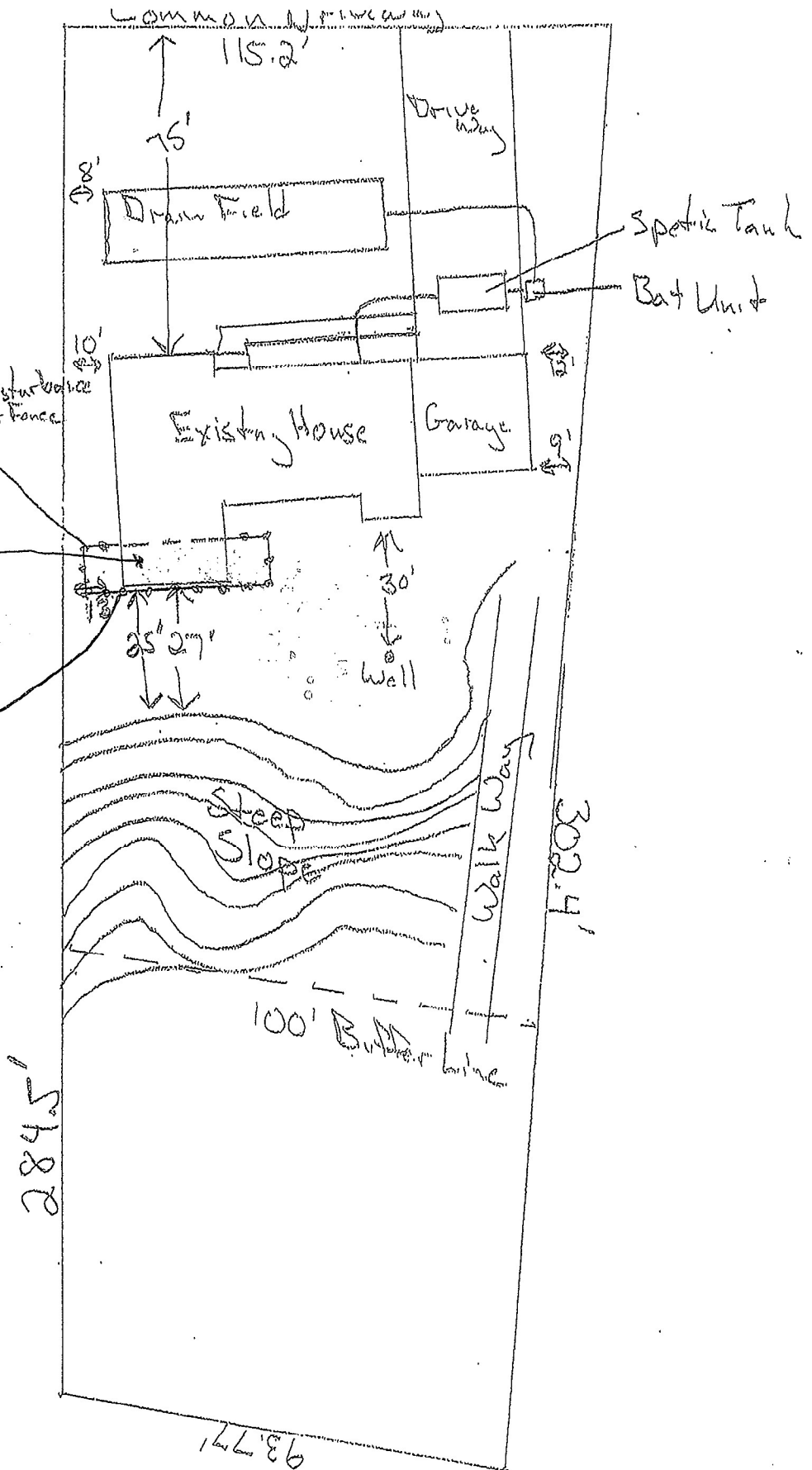
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.

1" = 30'



Proposed 8'x22' 1st floor addition under existing 2nd floor overhang. The footprint of the house will not change.

The line of disturbance will be 7.5' on either side of the addition and 2' from the rear of the addition. It will be 25' from the steep slope and a total of 370 sqft. The reinforced silt fence will be on the three sides of the addition along the line of disturbance. The foundation will be hand dug to minimize disturbance and access will be from the south side of the property.



To the Zoning Board

My wife and I would like to put an addition on the backside of our house under an existing second-floor overhang. The house was originally built in 1965 by the first owners, and then had a major renovation by the second owners between 2017 and 2020, we are the third owners and purchased the property February 2nd, 2024. The lot is 33,106sqft with approximately 9000sqft in the buffer zone, and 3500sqft of steep slope. The 2017-2020 renovation included expanding the footprint, adding a second floor, adding a garage, new well and septic system. The house currently encroaches on the side setbacks for an R1 property, on the north side by 10-13ft and on the south side by 9-12ft(the house doesn't sit square to the lot), the front setback is 75ft and the rear is 165ft. The second floor overhangs the first floor by 8'x22', which we would like to enclose to make some changes to our first-floor bedroom, bathroom and closet. We are asking for a side setback variance to allow us to build the addition, we are not asking to increase the encroachment on the side setbacks, the addition would follow the existing footprint of the house. The setback for the north side of the house, where we are proposing to do the addition, is original to the house in 1965, the side setback requirement for an R1 property is 15 feet, the second-floor overhang has a setback of 12.5-13 feet, and we just want to follow the existing setback, not increase it.

To address the Zoning Code Requirements for Variance Section 18-16-305 Subsection (a)

1. Due to the way the house was built and already encroaches on the side setbacks, it is not possible to build the addition without a variance to the side setback
2. Based on the layout and design of the house there does not exist any other practical way to add an addition to the first-floor bedroom.

Section 18-16-305 of the Zoning Code under Requirements for Variance Subsection (c)

1. The existing footprint of the house will not change.
2. The neighborhood should not be affected by the proposed addition. The addition will be difficult for anyone not on our property to notice because of the location of our house in the neighborhood(we are in the very back), the location of the addition in relation to our house(under second floor overhang) and the neighboring trees around our property. No trees will be affected and we plan to add back in local shrubs around the new addition, where currently there is a pebble patio.

Thank you

Martin Ticar

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:

Tax Map #	Parcel #	Block #	Lot #	Section
0024	0251	22		

Tax ID: 3000-2696-2000

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) 338 Somerset

Project location/Address 338 Somerset Rd

City Pasadena Zip 21122

Local case number

Applicant: Last name Ticar First name Martin

Company

Application Type (check all that apply):

Building Permit	<input type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Grading Permit	<input type="checkbox"/>	Other	<input type="checkbox"/>

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:

Add addition under existing 2nd Floor overhang

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area					370
LDA Area					
RCA Area					
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		4290	Existing Lot Coverage		4011
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		4011

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		370	Mitigation		0

Variance Type

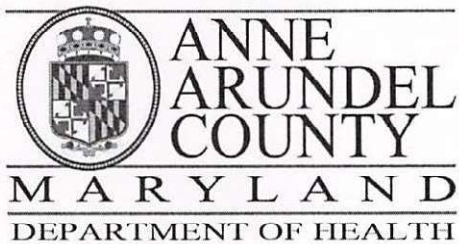
Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input type="checkbox"/>
Dwelling Addition	<input checked="" type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

- We are asking for a zoning variance for our home to put an addition on the back of our house and increase the size of our bedroom, bathroom and closet, by 176sqft. The second floor of our house over hangs the first floor by 8 feet (and 22 feet wide), we would like to enclose this space and make it part of our bedroom. The side of our house currently encroaches on the side setback by 10-13 feet, we would not be increasing this with the addition.
- We have 7066 sqft of Forest Conservation Area in the buffer zone and 4290 sqft of forestation mainly in the steep slope area. The property has several kinds of trees including oak, dogwood, maple, pine, holly, magnolia and locust. Shrubs include: laurel, strawberry bush, azaleas, hydrangea, sumac, high-tide bush and roses.
- We will use reinforced silt fencing around the disturbance area to control sediment, the foundation will be dug by hand to minimize the disturbance area. Storm water management will be controlled with the existing systems, which should not be impacted by construction. Once the foundation is complete, we will remediate the grading for erosion control, the site from that point on will mainly be accessed through the interior.
- Currently the total impervious lot coverage is 4011 sqft; the breakdown is house 2081, garage 576, driveway 965 and sidewalk/stoop/porch 389. Because the second floor already overhangs the first floor, the amount of impervious lot coverage will not change.
- The area of disturbance will be at least 25 feet from the steep slope and the buffer zone.






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: Novemenber 24, 2025

RE: Martin Ticar Jr.
338 Somerset Drive
Pasadena, MD 21122

NUMBER: 2025-0227-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (first floor under existing second floor overhang) with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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

I want to...

