

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

**APPLICANTS:** Deborah A. Fischel & Grant P. Nisson

**ASSESSMENT DISTRICT:** 5

**CASE NUMBER:** 2025-0233-V

**COUNCIL DISTRICT:** 7

**HEARING DATE:** January 27, 2026

**PREPARED BY:** Joan A. Jenkins  
Planner III



**REQUEST**

The applicants are requesting a variance to allow the conversion of an accessory structure (detached garage) into an accessory dwelling unit and a storage and work area with less setbacks than required and located in the front yard of a nonwaterfront lot at 420 Fairhaven Road in Tracy's Landing.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has an area of 221,720 square feet with frontage on the north side of Fairhaven Road (MD Route 423), west of Town Point Road. The property is identified as Lot 15 on Parcel 207 in Grid 6 on Tax Map 81 in the Fair Haven Estates subdivision. The property is zoned RA - Rural Agricultural District. The site is currently improved with a single-family detached dwelling, a detached two-car garage, two sheds, a driveway, and a fenced area. The property is served by a private well and septic system.

**PROPOSAL**

The applicants propose to reconstruct the interior of an existing garage (38 feet by 29.16 feet by 13 ft high<sup>1</sup>) into an accessory dwelling unit (798 square feet) and a storage and workshop area (423 square feet).

**REQUESTED VARIANCE**

§18-2-204 (b) of the Anne Arundel County Zoning Ordinance proscribes the location of an accessory structure in the front yard of a non-waterfront lot. As proposed, a locational variance is required for the accessory structure containing an accessory dwelling unit and space for storage and a work area.

The proposal meets all setback requirements for an accessory structure in the RA - Rural

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<sup>1</sup> The height was taken from B02440840

Agricultural District and therefore, does not require a variance to setbacks.<sup>2</sup>

## **FINDINGS**

The property exceeds both the width and area requirements of the RA District. The accessory structure is existing and is currently being used as a two-car garage. The location of the existing detached garage makes conversion of the use of part of the structure from a garage to an accessory dwelling unit impossible without a variance. Denial of the request would cause difficulty in developing an accessory dwelling unit on the property.

The current County aerial photograph from 2025 reveals an eclectic mix of various sized houses on varying-sized lots in this area. Accessory structures in the RA District are common. The garage can be seen on aerial photographs as far back as 1995.

The letter of explanation notes that the accessory dwelling unit conversion will be entirely within the existing structure. There will be no changes to the footprint or height. The applicants write that the garage has been longstanding in this location and that it was originally constructed in this location as it is the only suitable location for a garage on the property. Rebuilding the garage would create an unnecessary hardship. The applicants intend to use the accessory dwelling unit for a family member.

The **Health Department** commented that the property is served by an on-site sewage disposal and well water supply system. They have determined that the proposed request does not adversely affect the systems and have no objection to the request.

The **Department of Inspections and Permits (Engineering Section)** made comments at the pre-file stage which have been completed or will be addressed at the grading permit stage.

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, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. In this case, the use of the site with a detached ADU is constrained by the practical limitations of an existing developed lot with an existing accessory structure. Due to the nonconforming location of the existing accessory structure any new use of the structure would require a front yard location variance. This creates a hardship for the applicants by denying them the ability to convert an accessory structure into an allowed use.

The granting of the variance for the conversion of an existing accessory structure from a garage use to an accessory dwelling unit use and a storage and work area use would not alter the essential character of the neighborhood. The garage has been in place a long time. The grant of the variance will not impair the appropriate use or development of adjacent properties as the location of the garage structure complies with the side setback to the abutting property to the

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<sup>2</sup> Bill 72-24, effective July 1, 2025, changed the setbacks and coverage by structures for the R2 - Residential District. The site plan shows the prior regulations and should be updated on future applications to reflect the proper setbacks and coverage by structure.

west. 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.

The structure has existed in this location for thirty years or more. The location of the accessory structure in the front yard is considered to result in the minimum variance necessary to afford relief.

### **RECOMMENDATION**

Based upon the standards set forth in §18-16-305, under which a variance may be granted, the Office of Planning and Zoning recommends **approval** of the variance request to § 18-2-204 (b) to allow the conversion of an accessory structure (detached garage) into an accessory dwelling unit and a storage and work area located in the front yard of a nonwaterfront lot shown on the site plan.

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.





**Douglas Bourquin LLC**  
**4 Cindy Court**  
**Severna Park, MD 21146**  
**410-279-6053   [DDBOURQUIN@GMAIL.COM](mailto:DDBOURQUIN@GMAIL.COM)**

November 24, 2025

Anne Arundel County

Office of Planning and Zoning

2664 Riva Road

Annapolis MD. 21401

Attn: Sterling Seay, Zoning Administrator

Reference: 420 Fairhaven Road, Existing Garage to ADU conversion (B02440840)

Requested Variance to the requirements of Art.18-2-204

Letter of Explanation/Justification

Dear Ms. Seay:

We are the consultant for the Property Owners and Applicants, Deborah A. Fischel and Grant P. Nisson, who have owned the subject property since July, 2013. The property and the requested Variance were the subject of Pre-file Application #2025-0107-P

The subject property is an improved 5+ acre Lot containing an existing one-story home which was built in 1972, an existing detached one-story garage, built by a prior owner of the property and two existing sheds. The dwelling and garage are situated well off of the Fairhaven Road frontage and are accessed via a long existing paved driveway. We note that the existing garage has existing gutters and downspouts and that the owners have maintained flexible pipes attached to the downspouts which carry the roof run-off safely across and down the surrounding lawn areas. No erosion was noted and the surrounding lawn areas are well

stabilized. Private well and septic serve the property. The property is not situated in the Chesapeake Bay Critical Area.

When the County recently revised the Code criteria regulating Accessory Dwelling Units, the owners decided that it afforded an excellent opportunity for Mr. Nisson's sister to come and live on the property with her brother and sister-in-law. Plans were prepared for them to file a Building Permit application in order to obtain a permit to construct interior walls and improvements within a 798 sq.ft. portion of the existing 1,210 +/- sq.ft. existing garage. The proposed modest interior improvements planned include a single Bedroom, Galley Kitchen, Living Room, Bathroom and closets. The remaining portion of the garage would be used as work area and storage.

The property consists of 5.093 acres and was platted as Lot 15 of Fair Haven Estates, Section 2, in 1971. The property is Zoned RA. As stated, the existing home was constructed in 1972 and is situated 350+- feet from the front property line along Fairhaven Road. The existing detached garage was constructed 327+- feet back from the road after the house was built and prior to 2013 when the current owners (Fischel and Nisson) purchased the property.

During the Zoning review of the Building Permit application, it was noted that the existing garage is situated closer to Fairhaven Road than the existing house is located and therefore the granting of a Zoning Variance to Art.18-2-204 would be required before a Building Permit for the proposed interior improvements in the existing garage could be granted. We have determined that the existing garage sits 23+- feet closer to Fairhaven Road than the existing house. Both structures are situated significantly further away from Fairhaven Road than required and further from the road than the existing structures on the adjacent improved Lots to the east (Lot 13) and west (Lot 16). It is also worth noting that the existing house on Lot 13 to the east, built in 1920, is only approximately 25 feet away from Fairhaven Road. The Lot immediately to the east, Lot 14, is unimproved.

Regarding the location of the existing detached garage, it is our opinion that it was built in that location by a prior owner because that portion of the site was the only suitable area for its construction due to access, grade and topographic conditions and considerations. We further believe that if the garage did not exist

and if its construction were contemplated today, the existing location would still be the best location for it.

Regarding the proposed Garage/ADU Conversion, the subject property meets all of the requirements of Art. 18-10-123.

Regarding the Pre-File review comments dated 11-20-25 (attached), we respond as follows:

Zoning #1. We have added the dimensions of the existing garage to the site plan.

Zoning #2. We have addressed the requirements of Art. 18-16-305 in this letter of explanation/justification.

I&P Engineering #1. We note that the assigned I&P Engineering reviewer of the BP application approved the Site Plan as presented with the BP application B02440840 for the proposed ADU conversion. However, the owner/applicant will amend the Building Permit Site Plan to propose the installation of a 55 gallon Rain Barrel as shown on the Variance Site Plan at each downspout on the existing garage (2 rain barrels total) in order to address this Engineering Variance Pre-file review comment. We again note that the structure exists and is situated outside of the Critical Area and that no new lot cover or disturbance is proposed outside of the existing footprint.

I&P Engineering #2. We understand from the contractor that there are two options to address Fire Suppression requirements. One way would be to upgrade the existing well pump to an on-demand pump which will fit in an existing 4" casing. The other option will be to add a Fire Suppression tank in the remaining unfinished garage area for water storage for suppression. The contractor will formally address this matter during the Permit finalization stage.

Regarding the requirements for Variances cited in Art. 18-16-305 we respond as follows:

18-16-305 (a) (1): The subject property is considerably constrained by topography and forest, plus the locations of existing structures, well and septic disposal areas. The location of the existing garage is the only location for it due to these considerations.

18-16-305 (a) (2): The garage exists in the location shown which is the best and only suitable location on the subject property. Given the all of the site conditions



(topography, forest, existing structures), the Variance requested is the minimum relief necessary to enable the applicant to redevelop the property and avoid the unnecessary hardship which would be caused by attempting to relocate the suitably situated existing structure to elsewhere on the property.

18-16-305 (c) (1): The 24 foot Variance requested to vary the setback/location requirements of Art. 18-2-204 in order to allow the existing garage/ADU conversion to be made using the existing garage location is the minimum necessary to afford relief. We again note that the existing garage sits 23 feet closer to Fairhaven Road than does the existing house. The existing garage is situated 327 feet off of Fairhaven Road and the existing house is situated 350 feet off of Fairhaven Road. Both the subject existing garage and the existing house are located further away from Fairhaven Road than are the nearest adjacent structures to the west of and to the east of the subject property.

18-16-305 (c) (2): The granting of the requested Variance will not alter the essential character of the neighborhood nor will the grant substantially impair the use or development of any adjacent property nor will the grant be detrimental to the public welfare.

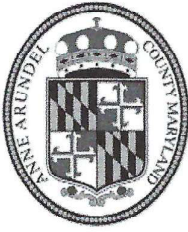
In addition to this Variance Request Letter of Explanation/Justification, we are including with this Variance application submission for your review a copy of the Site Plan, the Current Deed L26458, F374, and SDAT listings for all properties within 300 feet of the subject property. We are not including the "Individual Single Family Dwelling (SFD) Engineering Review Checklist" because there is no exterior work proposed and because the lawn area surrounding the existing garage is stable and exhibits no grade or drainage problems. Photos taken by the owner included herewith show the condition of the areas around the existing structure.

Thank you for your consideration of this matter and please let us know if you have any questions or comments regarding the subject existing garage to ADU conversion.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas D. Bourquin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Douglas D. Bourquin



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2025-0107-P

**DATE:** 11/20/2025

**OPZ STAFF:** Jennifer Lechner

**I&P STAFF:** Natalie Norberg

**APPLICANT/REPRESENTATIVE:** Deborah A. Fischel & Grant P. Nisson / Douglas Bourquin LLC

**EMAIL:** [calvinjohn@aol.com](mailto:calvinjohn@aol.com) / [ddbourquin@gmail.com](mailto:ddbourquin@gmail.com)

**SITE LOCATION:** 420 Fairhaven Road, Tracys Landing

**LOT SIZE:** 5.093 acres

**ZONING:** RA

**CA DESIGNATION:** N/A

**BMA:** N/A

**BUFFER:** N/A

**APPLICATION TYPE:** Variance

The applicant is proposing to convert part of the existing detached garage (1,210sqft) into an accessory dwelling unit (798sqft). The remainder of the garage (412sqft) would be used for storage, and would not be accessible from the interior of the ADU.

B02440840 to convert a portion of the existing garage to an ADU was submitted on 10/09/2025.

The following variance is required:

- § 18-2-204 to allow an accessory structure to be located in the front yard of a nonwaterfront lot

#### **COMMENTS**

##### **Zoning Administration Section:**

1. Revise the Administrative Site Plan to also include the dimensions of the existing garage (L x W x H).
2. The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variance, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

##### **I&P Engineering:**

1. Show and label any existing and proposed stormwater management devices. All SWM devices must meet setbacks to the proposed septic trenches and septic reserve area.
2. Does the existing well meet the requirements for the ADU fire suppression and domestic water needs? A Fire Department review may be required.

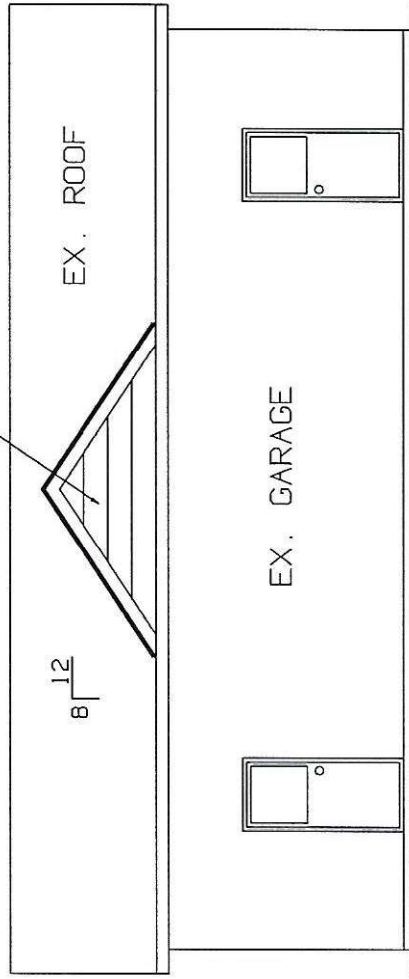
#### **INFORMATION FOR THE APPLICANT**

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

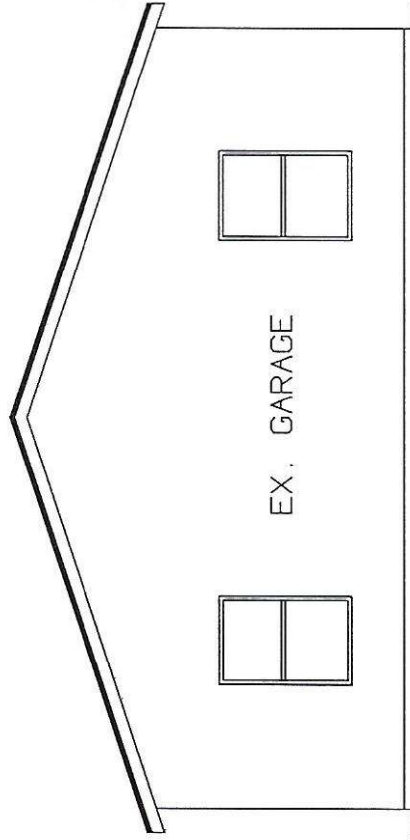
A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

OPTIONAL



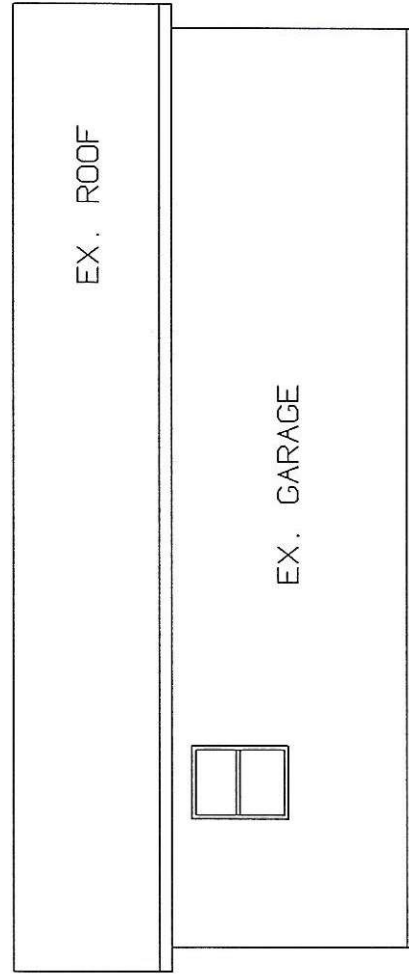
FRONT VIEW



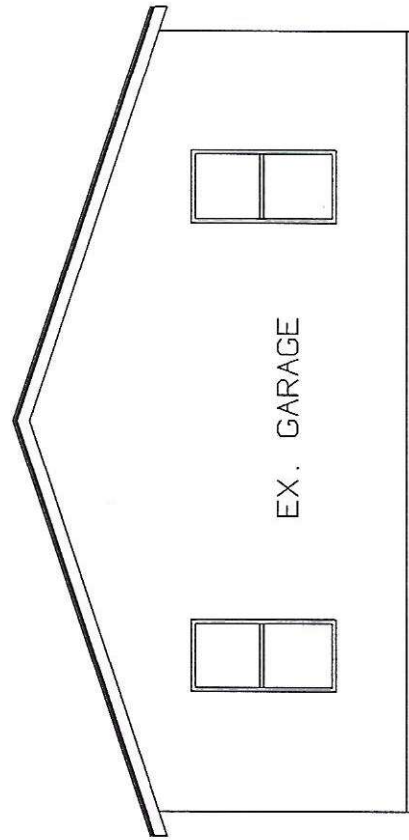
RIGHT VIEW

## ELEVATION VIEWS

SCALE: 1/8" = 1'  
DF420FRH.DWG 10/08/25



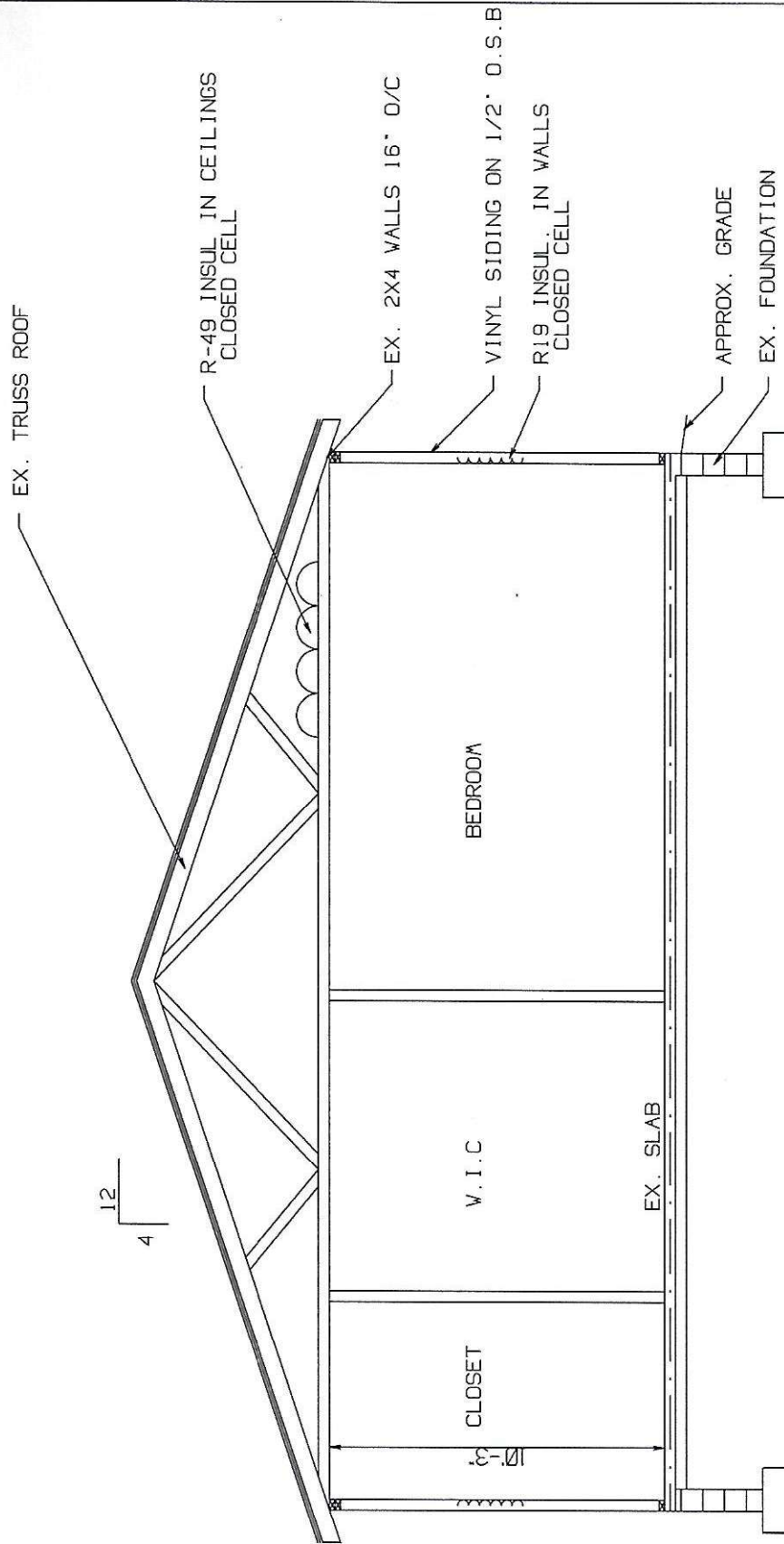
REAR VIEW



LEFT VIEW







# GARAGE SECTION VIEW

SCALE: 3/16" = 1'

NOTE: GARAGE SLAB GRADE TO BE  
HIGHER THAN EXT. GRADE



daylight, or other approved means. No areaway drain may discharge into a subsoil drain. Drains serving areaways not exceeding 100 square feet shall have a minimum 2-inch diameter pipe. Areaway drains exceeding 100 square feet but not exceeding 1,000 square feet shall be provided with a minimum 3-inch diameter pipe. Areaway drains exceeding 1,000 square feet shall be sized in accordance with the [[2018]] 2021 International Plumbing Code.

[[R405.1.5]] R405.3.3 **Foundation weep holes.** Where subsoil drains are required by section [[R405.1.1]] R405.3, foundations of hollow core masonry shall have foundation weep holes. Weep holes shall be placed a maximum of 4 foot O/C intervals and shall discharge into the aggregate of the interior subsoil drainage system."

(23) IN SECTION R408.8, STRIKE "IN CLIMATE ZONES 1A, 2A AND 3A BELOW THE WARM-HUMID LINE," AND CAPITALIZE "A".

(25) IN SECTION N1101.13.5, AFTER ITEM 3, INSERT:

"4. FOR BUILDINGS COMPLYING WITH SECTION N1102.1.3.1, THE STRUCTURE SHALL ALSO COMPLY WITH THE ADDITIONAL ENERGY FEATURES IN SECTION N1108.3."

(26) AFTER SECTION N1102.1.3, INSERT:

"N1102.1.3.1 **MARYLAND ALTERNATIVE R-VALUE.** ASSEMBLIES WITH R-VALUE OF INSULATION MATERIALS EQUAL TO OR GREATER THAN THAT SPECIFIED IN TABLE N1102.1.3.1 SHALL BE AN ALTERNATIVE TO THE U-FACTOR IN TABLE N1102.1.2 WHEN COMBINED WITH SECTION N1108.3. THE PROVISIONS OF SECTION N1108.2.1 SHALL BE APPLIED TO THE BASE MODEL HOUSE TO ESTABLISH THE REFERENCE BASE DESIGN ESTABLISHING ENERGY EFFICIENCY.

TABLE N1102.1.3.1										
MD ALTERNATIVE INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>A</sup>										
CLIMATE ZONE	FENESTRATION U-FACTOR <sup>B</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC <sup>B,E</sup>	CEILING R-VALUE	WOOD FRAME WALL R-VALUE <sup>C</sup>	MASS WALL R-VALUE <sup>H</sup>	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>T,G,G</sup>	SLAB R-VALUE & DEPTH	CRAWL SPACE WALL R-VALUE <sup>C,C</sup>
4 EXCEPT MARINE	0.30	0.55	0.40	49	20 OR 13+5 <sup>H</sup>	8/13	19	10CI OR 13	10CI, 4FT	10CI OR 13

FOR SI: 1 FOOT = 304.8 MM.

CI = CONTINUOUS INSULATION.

<sup>A</sup> R-VALUES ARE MINIMUMS. U-FACTORS AND SHGC ARE MAXIMUMS. WHERE INSULATION IS INSTALLED IN A CAVITY THAT IS LESS THAN THE LABEL OR DESIGN THICKNESS OF THE INSULATION, THE INSTALLED R-VALUE OF THE INSULATION SHALL BE NOT LESS THAN THE R-VALUE SPECIFIED IN THE TABLE.

<sup>B</sup> THE FENESTRATION U-FACTOR COLUMN EXCLUDES SKYLIGHTS. THE SHGC COLUMN APPLIES TO ALL GLAZED FENESTRATIONS. EXCEPTION: IN CLIMATE ZONES 0 THROUGH 3, SKYLIGHTS SHALL BE PERMITTED TO BE EXCLUDED FROM GLAZED FENESTRATION SHGC REQUIREMENTS PROVIDED THAT THE SHGC FOR SUCH SKYLIGHTS DOES NOT EXCEED 0.30.

<sup>C</sup> "10CI OR 13" MEANS R-10 CONTINUOUS INSULATION (CI) ON THE INTERIOR OR EXTERIOR SURFACE OF THE WALL OR R-13 CAVITY INSULATION ON THE INTERIOR SIDE OF THE WALL. "15CI OR 19 OR 13 & 5CI" MEANS R-15 CONTINUOUS INSULATION (CI) ON THE



INTERIOR OR EXTERIOR SURFACE OF THE WALL; OR R-19 CAVITY INSULATION ON THE INTERIOR SIDE OF THE WALL; OR R-13 CAVITY INSULATION ON THE INTERIOR OF THE WALL IN ADDITION TO R-5 CONTINUOUS INSULATION ON THE INTERIOR OR EXTERIOR SURFACE OF THE WALL.

<sup>D</sup> R-5 INSULATION SHALL BE PROVIDED UNDER THE FULL SLAB AREA OF A HEATED SLAB IN ADDITION TO THE REQUIRED SLAB EDGE INSULATION R-VALUE FOR SLABS. AS INDICATED IN THE TABLE. THE SLAB-EDGE INSULATION FOR HEATED SLABS SHALL NOT BE REQUIRED TO EXTEND BELOW THE SLAB.

<sup>E</sup> THERE ARE NO SHGC REQUIREMENTS IN THE MARINE ZONE.

<sup>F</sup> BASEMENT WALL INSULATION IS NOT REQUIRED IN WARM HUMID LOCATIONS AS DEFINED BY FIGURE R301.1 AND TABLE R301.1.

<sup>G</sup> THE FIRST VALUE IS CAVITY INSULATION; THE SECOND-VALUE IS CONTINUOUS INSULATION. THEREFORE, AS AN EXAMPLE, "13 & 5" MEANS R-13 CAVITY INSULATION PLUS R-5 CONTINUOUS INSULATION.

<sup>H</sup> MASS WALLS SHALL BE IN ACCORDANCE WITH SECTION R402.2.5. THE SECOND R-VALUE APPLIES WHERE MORE THAN HALF OF THE INSULATION IS ON THE INTERIOR OF THE MASS WALL.

<sup>I</sup> A MAXIMUM U-FACTOR OF 0.32 SHALL APPLY IN CLIMATE ZONES 3 THROUGH 8 TO VERTICAL FENESTRATION PRODUCTS INSTALLED IN BUILDINGS LOCATED EITHER:

<sup>1</sup> ABOVE 4,000 FEET IN ELEVATION, OR

<sup>2</sup> IN WINDBORNE DEBRIS REGIONS WHERE PROTECTION OF OPENINGS IS REQUIRED BY SECTION R301.2.1.2 OF THE INTERNATIONAL RESIDENTIAL CODE."

(27) IN SECTION N1102.2.1, AFTER "N1102.1.3", INSERT "OR SECTION N1102.1.3.1".

(28) IN SECTION N1102.2.2, AFTER "N1102.1.3", INSERT "OR SECTION N1102.1.3.1".

(29) AFTER SECTION N1108.2.5, INSERT:

"N1108.3 MARYLAND ALTERNATIVE ADDITIONAL ENERGY EFFICIENCY PACKAGE OPTIONS. THE PROVISIONS OF THIS SECTION SHALL BE APPLIED AS PART OF THE PRESCRIPTIVE COMPLIANCE PATH OF SECTION N1102.1.3.1. ADDITIONAL ENERGY EFFICIENCIES FROM TABLE N1108.3 MUST BE SELECTED TO MEET OR EXCEED A MINIMUM PERCENTAGE INCREASE OF 6%.

TABLE N1108.3 ADDITIONAL ENERGY FEATURES <sup>1</sup>

	ENERGY FEATURE	PERCENTAGE INCREASE FOR CLIMATE ZONE 4
1	$\geq 2.5\%$ REDUCTION IN TOTAL UA <sup>5</sup>	1%
2	$\geq 5\%$ REDUCTION IN TOTAL UA <sup>5</sup>	2%
3	$> 7.5\%$ REDUCTION IN TOTAL UA <sup>5</sup>	2%
4	0.22 U-FACTOR WINDOWS <sup>5</sup>	3%
5	HIGH PERFORMANCE COOLING SYSTEM (GREATER THAN OR EQUAL TO 18 SEER AND 14 EER AIR CONDITIONER) <sup>2</sup>	3%
6	HIGH PERFORMANCE COOLING SYSTEM (GREATER THAN OR EQUAL TO 16 SEER AND 12 EER AIR CONDITIONER) <sup>2</sup>	3%
7	HIGH PERFORMANCE GAS FURNACE (GREATER THAN OR EQUAL TO 96 AFUE NATURAL GAS FURNACE) <sup>2</sup>	5%
8	HIGH PERFORMANCE GAS FURNACE (GREATER THAN OR EQUAL TO 92 AFUE NATURAL GAS FURNACE) <sup>2</sup>	4%
9	HIGH PERFORMANCE HEAT PUMP SYSTEM (GREATER THAN OR EQUAL TO 10 HSPF/18 SEER AIR SOURCE HEAT PUMP.) <sup>2</sup>	6%



10	HIGH PERFORMANCE HEAT PUMP SYSTEM (GREATER THAN OR EQUAL TO 9 HSPF/16 SEER AIR SOURCE HEAT PUMP.) <sup>2</sup>	5%
11	GROUND SOURCE HEAT PUMP (GREATER THAN OR EQUAL TO 3.5 COP GROUND SOURCE HEAT PUMP.) <sup>2</sup>	6%
12	FOSSIL FUEL SERVICE WATER HEATING SYSTEM (GREATER THAN OR EQUAL TO 82 EF FOSSIL FUEL SERVICE WATER-HEATING SYSTEM.)	3%
13	HIGH PERFORMANCE HEAT PUMP WATER HEATING SYSTEM OPTION (GREATER THAN OR EQUAL TO 2.9 UEF ELECTRIC SERVICE WATER-HEATING SYSTEM.)	8%
14	HIGH PERFORMANCE HEAT PUMP WATER HEATING SYSTEM. (GREATER THAN OR EQUAL TO 3.2 UEF ELECTRIC SERVICE WATER-HEATING SYSTEM.)	8%
15	SOLAR HOT WATER HEATING SYSTEM (GREATER THAN OR EQUAL TO 0.4 SOLAR FRACTION SOLAR WATER-HEATING SYSTEM.)	6%
16	MORE EFFICIENT HVAC DISTRIBUTION SYSTEM. (100 PERCENT OF DUCTLESS THERMAL DISTRIBUTION SYSTEM OR HYDRONIC THERMAL DISTRIBUTION SYSTEM LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE.)	10%
17	100% OF DUCTS IN CONDITIONED SPACE. (100 PERCENT OF DUCT THERMAL DISTRIBUTION SYSTEM LOCATED IN CONDITIONED SPACE AS DEFINED BY SECTION R403.3.2.)	12%
18	REDUCED TOTAL DUCT LEAKAGE. (WHEN DUCTS ARE LOCATED OUTSIDE CONDITIONED SPACE, THE TOTAL LEAKAGE OF THE DUCTS, MEASURED IN ACCORDANCE WITH R403.3.5, SHALL BE IN ACCORDANCE WITH ONE OF THE FOLLOWING: A. WHERE AIR HANDLER IS INSTALLED AT THE TIME OF TESTING, 2.0 CUBIC FEET PER MINUTE PER 100 SQUARE FEET OF CONDITIONED FLOOR AREA. B. WHERE AIR HANDLER IS NOT INSTALLED AT THE TIME OF TESTING, 1.75 CUBIC FEET PER MINUTE PER 100 SQUARE FEET OF CONDITIONED FLOOR AREA.)	1%
19	2 ACH50 AIR LEAKAGE RATE WITH ERV OR HRV INSTALLED. (LESS THAN OR EQUAL TO 2.0 ACH50, WITH EITHER AN ENERGY RECOVERY VENTILATOR (ERV) OR HEAT RECOVERY VENTILATOR (HRV) INSTALLED.) <sup>3</sup>	10%
20	2 ACH50 AIR LEAKAGE RATE WITH BALANCED VENTILATION. (LESS THAN OR EQUAL TO 2.0 ACH50, WITH BALANCED VENTILATION AS DEFINED IN SECTION 202 OF THE 2021 INTERNATIONAL MECHANICAL CODE.) <sup>4</sup>	4%
21	1.5 ACH50 AIR LEAKAGE RATE WITH ERV OR HRV INSTALLED. (LESS THAN OR EQUAL TO 1.5 ACH50, WITH EITHER AN ERV OR HRV INSTALLED.) <sup>4</sup>	12%
22	1 ACH50 AIR LEAKAGE RATE WITH ERV OR HRV INSTALLED. (LESS THAN OR EQUAL TO 1.0 ACH50, WITH EITHER AN ERV OR HRV INSTALLED.) <sup>4</sup>	14%
23	ENERGY EFFICIENT APPLIANCES (MINIMUM 3 APPLIANCES NOT TO EXCEED 1 FROM EACH TYPE WITH FOLLOW EFFICIENCIES. REFRIGERATOR - ENERGY STAR PROGRAM REQUIREMENTS, PRODUCT SPECIFICATION FOR CONSUMER REFRIGERATION PRODUCTS, VERSION 5.1 (08/05/2021), DISHWASHER - ENERGY STAR PROGRAM REQUIREMENTS FOR RESIDENTIAL DISHWASHERS, VERSION 6.0 (01/29/2016), CLOTHES DRYER - ENERGY STAR PROGRAM REQUIREMENTS, PRODUCT SPECIFICATION FOR CLOTHES DRYERS, VERSION 1.1 (05/05/2017) AND CLOTHES WASHER - ENERGY STAR	7%



	PROGRAM REQUIREMENTS, PRODUCT SPECIFICATION FOR CLOTHES WASHERS, VERSION 8.1 (02/05/2018)	
24	RENEWABLE ENERGY MEASURE. <sup>4</sup>	11%
<sup>1</sup> ENERGY EFFICIENCY PERCENTAGE INCREASES AS ESTABLISHED BY PNNL. <sup>2</sup> FOR MULTIPLE COOLING SYSTEMS, ALL SYSTEMS SHALL MEET OR EXCEED THE MINIMUM EFFICIENCY REQUIREMENTS IN THIS SECTION AND SHALL BE SIZED TO SERVE 100 PERCENT OF THE COOLING DESIGN LOAD. FOR MULTIPLE HEATING SYSTEMS, ALL SYSTEMS SHALL MEET OR EXCEED THE MINIMUM EFFICIENCY REQUIREMENTS IN THIS SECTION AND SHALL BE SIZED TO SERVE 100 PERCENT OF THE HEATING DESIGN LOAD. INCREASES TO MINIMUM EFFICIENCY REQUIREMENTS ARE LIMITED TO ONE SELECTION. <sup>3</sup> MINIMUM HRV AND ERV REQUIREMENTS, MEASURED AT THE LOWEST TESTED NET SUPPLY AIRFLOW, SHALL BE GREATER THAN OR EQUAL TO 75 PERCENT SENSIBLE RECOVERY EFFICIENCY (SRE), LESS THAN OR EQUAL TO 1.1 CUBIC FEET PER MINUTE PER WATT (0.03 M3/MIN/WATT) AND SHALL NOT USE RECIRCULATION AS A DEFROST STRATEGY. IN ADDITION, THE ERV SHALL BE GREATER THAN OR EQUAL TO 50 PERCENT LATENT RECOVERY/MOISTURE TRANSFER (LRMT). <sup>4</sup> RENEWABLE ENERGY RESOURCES SHALL BE PERMANENTLY INSTALLED THAT HAVE THE CAPACITY TO PRODUCE A MINIMUM OF 1.0 WATT OF ON-SITE RENEWABLE ENERGY PER SQUARE FOOT OF CONDITIONED FLOOR AREA. THE INSTALLED CAPACITY SHALL BE IN ADDITION TO ANY ONSITE RENEWABLE ENERGY REQUIRED BY SECTION R404.4. TO QUALIFY FOR THIS OPTION, ONE OF THE FOLLOWING FORMS OF DOCUMENTATION SHALL BE PROVIDED TO THE CODE OFFICIAL: <sup>A</sup> SUBSTANTIATION THAT THE RECS ASSOCIATED WITH THE ON-SITE RENEWABLE ENERGY ARE OWNED BY, OR RETIRED ON BEHALF OF, THE HOMEOWNER. <sup>B</sup> A CONTRACT THAT CONVEYS TO THE HOMEOWNER THE RECS ASSOCIATED WITH THE ON-SITE RENEWABLE ENERGY OR CONVEYS TO THE HOMEOWNER AN EQUIVALENT QUANTITY OF RECS ASSOCIATED WITH OTHER RENEWABLE ENERGY. <sup>C</sup> REDUCTION IN TOTAL UA FROM LINES 1, 2 OR 3 AND HIGHER PERFORMANCE WINDOWS FROM LINE 4 ARE LIMITED TO A SINGLE SELECTION."		

(31) In section M1307.5, strike "Chapters 14, 15, 19, 20, and 34 through 43 of this Code" and substitute "the National Electrical Code, [[2017]] 2020 edition".

(32) STRIKE SECTION G2417.4.1 IN ITS ENTIRETY AND SUBSTITUTE:

"G2417.4.1 (406.4.1) TEST PRESSURE. THE TEST PRESSURE TO BE USED SHALL BE 20 PSIG (138 KPA GAUGE). A TAG SHALL BE AFFIXED TO THE GAUGE LISTING THE TIME AND DATE THE TEST WAS STARTED."

(33) AFTER SECTION P2602.2, INSERT:

"P2602.3 NEW DWELLING. EVERY NEW DWELLING UTILIZING A PRIVATE WELL FOR WATER SUPPLY SHALL INSTALL A THREE-VALVE BYPASS FOR FUTURE WATER CONDITIONER CONNECTIONS AND A STANDPIPE WITH A MINIMUM 1½ INCH TRAP FOR FUTURE WATER CONDITIONER DISCHARGE."

(39) STRIKE SECTIONS P2904.1 THROUGH P2904.8.2 IN THEIR ENTIRETY AND SUBSTITUTE:

"P2904.1 DWELLING UNIT FIRE SPRINKLER SYSTEMS. THE DESIGN AND INSTALLATION OF RESIDENTIAL AUTOMATIC SPRINKLER SYSTEM SHALL BE IN ACCORDANCE WITH NFPA 13D."

















## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2025-0107-P  
**DATE:** 11/20/2025  
**OPZ STAFF:** Jennifer Lechner  
**I&P STAFF:** Natalie Norberg

**APPLICANT/REPRESENTATIVE:** Deborah A. Fischel & Grant P. Nisson / Douglas Bourquin LLC

**EMAIL:** [calvinjohn@aol.com](mailto:calvinjohn@aol.com) / [ddbourquin@gmail.com](mailto:ddbourquin@gmail.com)

**SITE LOCATION:** 420 Fairhaven Road, Tracys Landing

**LOT SIZE:** 5.093 acres

**ZONING:** RA      **CA DESIGNATION:** N/A      **BMA:** N/A      **BUFFER:** N/A      **APPLICATION TYPE:** Variance

---

The applicant is proposing to convert part of the existing detached garage (1,210sqft) into an accessory dwelling unit (798sqft). The remainder of the garage (412sqft) would be used for storage, and would not be accessible from the interior of the ADU.

B02440840 to convert a portion of the existing garage to an ADU was submitted on 10/09/2025.

The following variance is required:

- § 18-2-204 to allow an accessory structure to be located in the front yard of a nonwaterfront lot

#### **COMMENTS**

##### **Zoning Administration Section:**

1. Revise the Administrative Site Plan to also include the dimensions of the existing garage (L x W x H).
2. The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variance, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

##### **I&P Engineering:**

1. Show and label any existing and proposed stormwater management devices. All SWM devices must meet setbacks to the proposed septic trenches and septic reserve area.
2. Does the existing well meet the requirements for the ADU fire suppression and domestic water needs? A Fire Department review may be required.

#### **INFORMATION FOR THE APPLICANT**

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.



NOTICE TO TITLE EXAMINERS

1. This plat has been approved for recording only, subject to a Subdivision Agreement with Anne Arundel County, dated none, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber none Folio none.
2. No sale or contract of sale of said lots shown hereon shall be made until the necessary improvements have been satisfactorily guaranteed by a Public Works Agreement, supported by a surety bond, certified check, cash or an irrevocable letter of credit from a local bank or such other security as authorized by law and that such Agreement has been entered into by the developer with the Public Works Department in accordance with Subdivision regulations.
3. No building permits shall be issued for any construction in this development other than sample permits, until the requirements of paragraph (2) above have been complied with.
4. The recreation requirements pertaining to this plat have been met by the payment of the appropriate fee in lieu of dedication of 0.25 acres of land.

OWNERS DEDICATION

We, Fair Haven Farm Corporation, a body corporate of the State of Maryland, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the perpetual easements to discharge the flow of water upon the existing ground as shown.

The widening strip shown hereon is hereby dedicated to public use and will be deeded to Maryland State Roads Commission upon request.

The requirements of Sections 59 to 62, Article 17 of the Annotated Code of Maryland, 1967 Edition (Title: Clerks of Court) as far as they relate to the making of this plat and the setting of markers, have been met.

All utilities including gas, electric and communications shall be installed underground in accordance with the Public Service Commission Statewide Rules of June 14, 1968.

DATE: April 11, 1971 FAIR HAVEN FARM CORPORATION

ATTEST: C. Carroll Lee C. CARROLL LEE, President

Violet B. Tamm VIOLET TAMM, Secretary

LEGEND  
Lot Number (14)  
Perpetual Easement to discharge flow of water upon existing ground shown thus:  
Areas shown thus:  
are easements for existing drainage structures.

NO.	LATITUDE	DEPARTURE
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SECTION 2

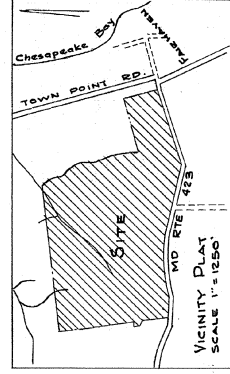
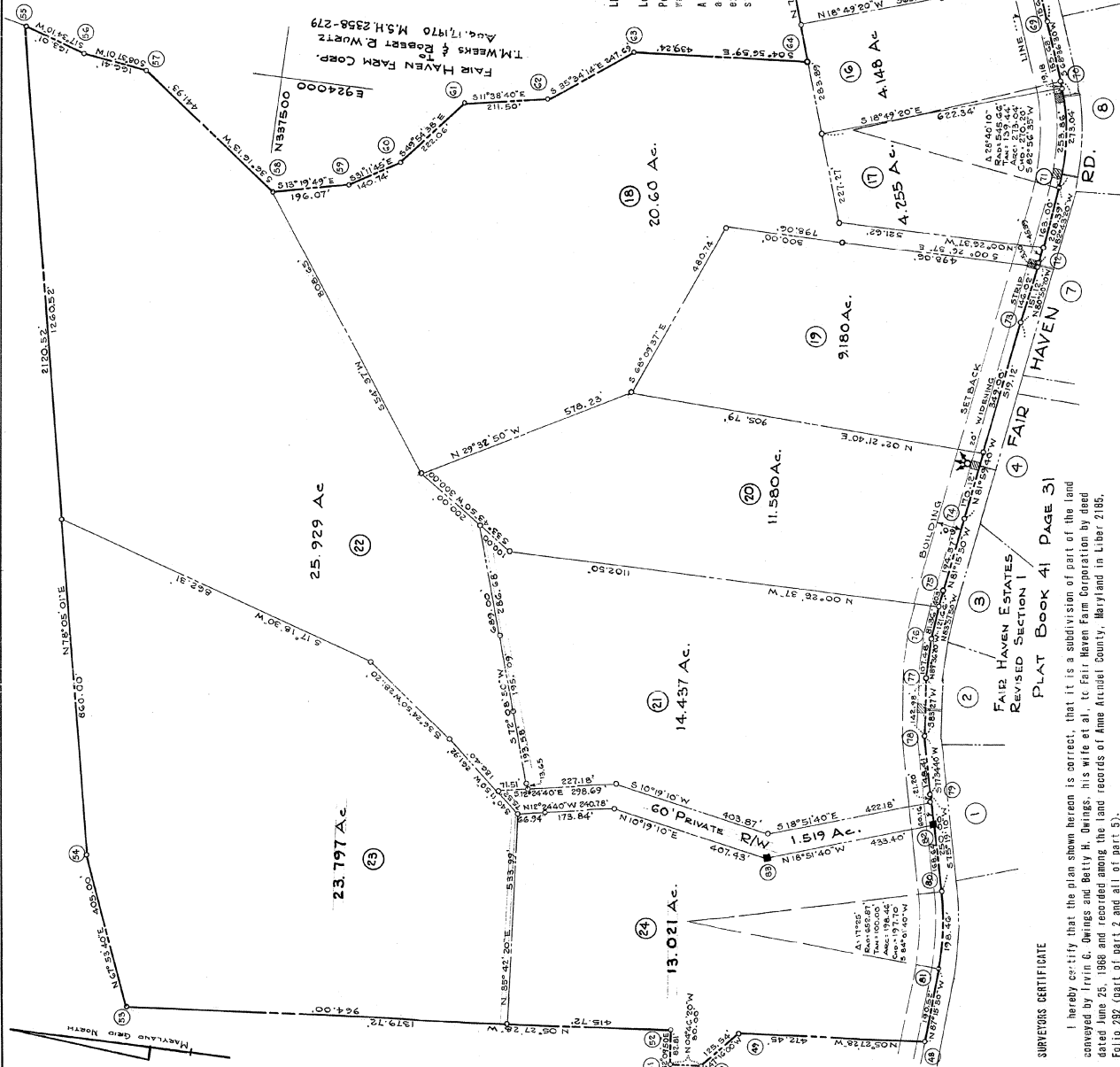
FAIR HAVEN ESTATES

EIGHTH DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND  
SCALE 1"=200'

PREPARED BY  
J.R. McCREONE, JR., INC.  
REGISTERED PROFESSIONAL ENGINEERS & LAND SURVEYORS  
ANNAPOLIS, MARYLAND

RECORDED IN PLAT BOOK 42 PAGE 32

M&S 551 1235-3896



Date: 3/3/71  
John T. Latham  
Registered Surveyor  
Maryland Certificate #2689

The requirements of the Anne Arundel County Health Department have been met in preparing this plat.

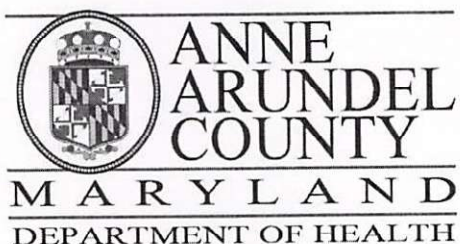
Date: 3/3/71  
HEALTH OFFICER, ANNE ARUNDEL COUNTY  
PLANNING & ZONING OFFICER, ANNE ARUNDEL COUNTY

I hereby certify that the plan shown hereon is correct, that it is a subdivision of part of the land conveyed by Irvin G. Gering and Betty H. Gering, his wife et al. to Fair Haven Farm Corporation by deed dated June 25, 1968 and recorded among the land records of Anne Arundel County, Maryland in Liber 2185, Folio 292 (part of part 2 and all of part 5).

Concrete monuments marked thus: and iron pipes marked thus: have been placed as indicated to the approved finished grade.  
The total area included in this plan is 137.08 acres ±.

SURVEYORS CERTIFICATE

FAIR HAVEN ESTATES  
REVISED SECTION 1  
PLAT BOOK 41 PAGE 31




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: November 24, 2025

RE: Deborah A. Fischel  
420 Fairhaven Road  
Tracys Landing, MD 20779

NUMBER: 2025-0233-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (detached garage partial conversion to ADU) in the front yard of a nonwaterfront lot 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





Legend

Foundation

Addressing

Parcels

Parcels - Annapolis City

Planning

Zoning



Notes

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.

0 400 800 ft

THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

none