

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

APPLICANT: Christopher Caine & Betsy Caine

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0249-V

COUNCIL DISTRICT: 6

HEARING DATE: February 19, 2026

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (pavilion) with less setbacks and buffer than required on property located at 1208 Southbreeze Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 40,908 square feet of land, is located at the western end of Southbreeze Lane, and is identified as Lot 69 on Plat 5 in the Fishing Creek Farm subdivision, Parcel 121 in Grid 20 on Tax Map 57. The waterfront property is located on South River, is zoned R1 – Residential District, lies entirely within the Chesapeake Bay Critical Area, primarily designated LDA - Limited Development Area with a small portion along the western shoreline designated RCA - Resource Conservation Area, and is mapped as a non-modified buffer. It is currently improved with a 2-story single-family dwelling, an in-ground pool, a pergola, and other associated facilities.

PROPOSAL

The applicants are proposing to demolish an existing pergola in order to construct a new open pavilion (22' x 18', 15'-6" maximum height) in its place. The existing outdoor fireplace, built-in grill, and stone countertop/prep area will remain.

REQUESTED VARIANCES

§ 17-8-301 provides that development on properties containing buffers shall meet the requirements of COMAR, Title 27; and, § 18-13-104 provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal wetlands. The proposed construction will disturb the wetlands buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 18-4-501 provides that an accessory structure in an R1 District shall be set back a minimum of fifteen feet from the side lot line. The proposed pavilion would be constructed as close as seven feet to the side lot line, necessitating a variance of eight feet.

FINDINGS

The subject property is an irregularly shaped flag lot, is oversized for lots in the R1 District with regard to the minimum lot size of 30,000 square feet, but is undersized with regard to the minimum lot width of 80 feet. A review of the County aerial photography shows an eclectic mix of lots and improvements in this neighborhood. The subject property's pergola, patio and pool are visible as early as 2007.

The existing critical area lot coverage of the subject property is 9,610 square feet, which exceeds the lot coverage allowed under § 17-8-402 (6,136.2 square feet, or 15% of the parcel). The proposed removal and reconfiguration of lot coverage will result in a post-construction lot coverage of 9,385 square feet, a reduction of 225 square feet.¹ The post-construction coverage by structures was not provided; however, the overall lot coverage is still well below the 50% (20,454 square feet) maximum coverage by structures allowed under § 18-4-501.

Building permit B02440932, to demolish the existing pergola and to construct a new pergola, was submitted on October 13, 2025. Variance approval must be obtained prior to the permit being issued.

Agency Comments

The **Critical Area Commission** offered no objection, and noted that appropriate mitigation should be required.

The **Development Division - Critical Area Team** offered no objection, and noted that mitigation will be addressed with the permit application.

The **Health Department** noted that the proposal does not adversely affect the well water supply system, and has no objection to the variance request.

Variance Criteria

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, nearly all of the subject property lies within the buffer to either tidal waters or tidal wetlands. Replacing the existing improvements, which have been in place for almost twenty years, without disturbing this sensitive area would be impossible. As such, the granting of the variance will not confer on the applicants any special privilege that would be denied by COMAR. This variance request is not based on conditions or circumstances that are

¹ If granted, during the permit review process, the reconfiguration must show compliance with § 17-8-401 et al..

the result of actions by the applicants, and does not arise from any condition relating to land or building use on any neighboring property.

The applicants' Critical Area Report Narrative indicates that they propose to reduce the overall impervious surface by removing the existing hardscape areas which exceed the footprint of the proposed pavilion. With adequate mitigation, the granting of the variance will not adversely affect water quality or impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. Similarly, it will not reduce forest cover in the limited development area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

While the proposed pavilion also needs setback relief, its smaller size shifts it farther from the side lot line than the existing pergola. Because the applicants are proposing to build a smaller structure within the footprint of the existing structure, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, nor will it be detrimental to the public welfare.

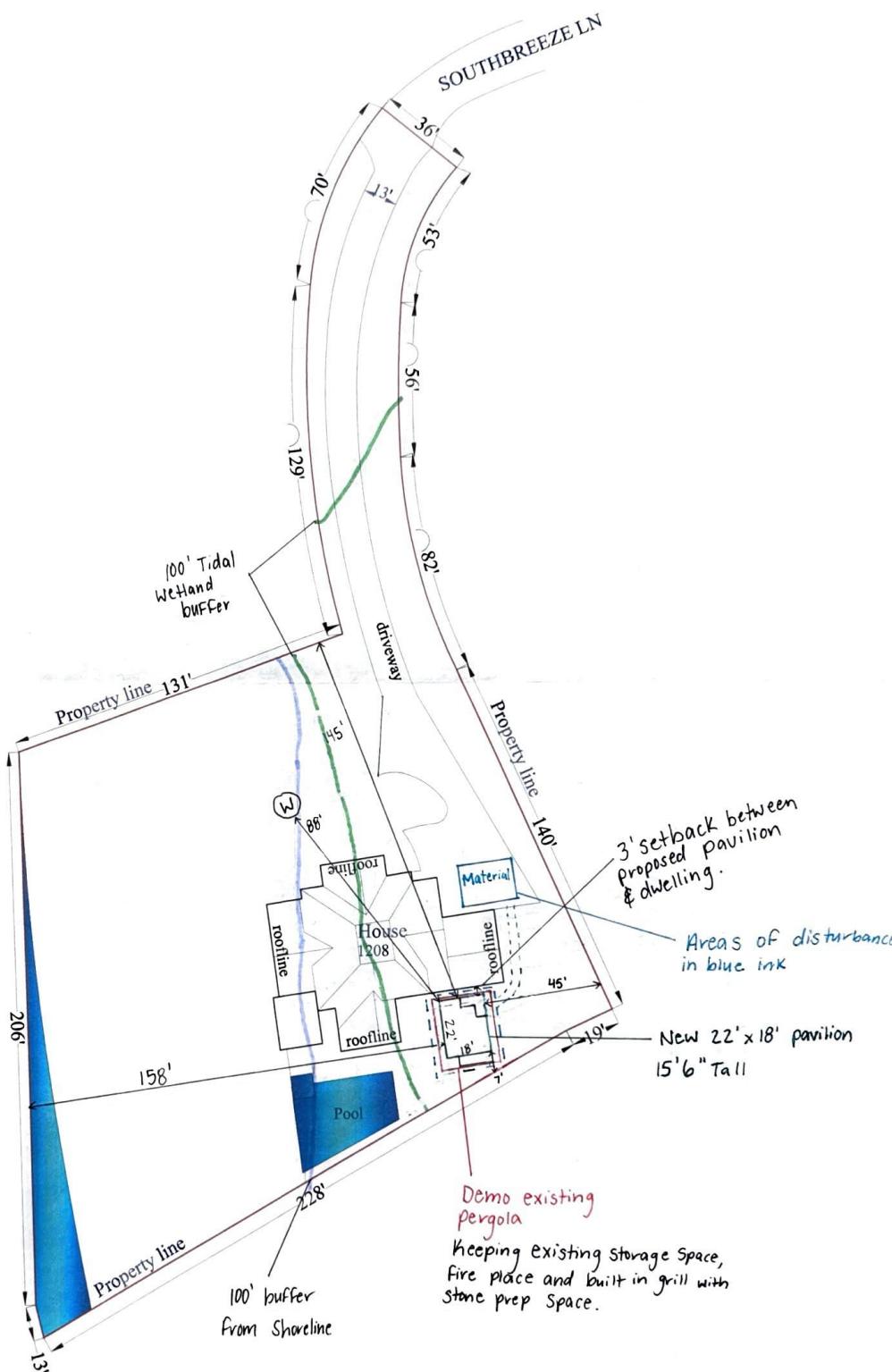
RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends:

- approval of variances to § 17-8-301 and § 18-13-104 to disturb the buffer; and,
- approval of a variance to § 18-4-501 to allow an accessory structure with less setbacks than required.

If granted, the final amount of disturbance will be determined during permit review.

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.



Parcel No. (APN) 02-257-90059504
 Land Use RESIDENTIAL
 SINGLE FAMILY RESIDENCE
 Lot Area 40,908 SF (0.94 ACRES)

ADDRESS: 1208 SOUTHBREEZE LN
 ANNAPOLIS, MD 21403
 Scale: 1"=40'



Letter of Explanation for Variance

Property Address: 1208 Southbreeze Ln. Annapolis, MD. 21403

Permit Number: B02440932

Applicant: Jenna Simmons

To Whom It May Concern:

On behalf of the property owners of **1208 Southbreeze Lane**, this letter serves as the formal **Letter of Explanation** in support of the requested variances associated with the replacement of an existing outdoor structure and the construction of a new pavilion within the 100' Tidal Wetland Buffer.

Project Description

The applicants propose to **demolish an existing pergola** located almost directly on the side property line and to **construct a new 22' x 18' open pavilion** in its place. The existing outdoor fireplace, built-in grill, and stone countertop/prep area will remain.

The new pavilion footprint is **smaller in overall square footage** than the structure being removed and the total onsite impervious area will **decrease**, not increase.

The pavilion will be located **7 feet from the side property line**, necessitating a variance from the required **15-foot side yard setback**.

Critical Area – 100' Tidal Wetland Buffer Disturbance

Construction of the pavilion will require both **temporary and permanent disturbance** within the **100-foot tidal wetland buffer**. Disturbance is necessary due to:

- Location of the existing outdoor living area and the proposed pavilion
- Placement and staging of materials within the buffer
- Foot traffic and construction access required to reach the work area
- Installation of the pavilion support structure within the buffer

Mitigation will be provided at the County-required ratios of:

- **3:1 for permanent disturbance**
- **1:1 for temporary disturbance**
- **2:1 for SWM-related new lot coverage (if applicable)**

All work will be completed by a licensed contractor, **7th State Builders**, who will implement all **County-required sediment and erosion control measures** for the duration of the project.

3. Variance Justification (Meeting the Standards of the County Code)

The request satisfies the applicable variance standards under the Anne Arundel County Code for the following reasons:

A. The variance is needed for reasonable and practical use of the property.

The existing outdoor living area—fireplace, grill, and stone prep counter—was designed to function with a covering structure. The replacement pavilion is necessary to allow the owners reasonable use and enjoyment of this space, particularly for weather protection and safe utilization of the existing improvements. There is no reasonable location on the property where the pavilion could be constructed outside the buffer and within full setback compliance without eliminating or relocating these permanent features and causing greater environmental disturbance.

B. The proposed pavilion is less impactful than the existing condition.

The existing pergola encroaches **almost directly on the property line**. Its removal and replacement with a pavilion set **seven feet off the property line** reduces encroachment and represents an improvement to the property's compliance with required setbacks.

C. Compatibility with Surrounding Properties

The pavilion is residential in scale, open-sided, and compatible with the character of the surrounding neighborhood. It will not alter neighborhood character, impair adjacent properties, or pose any adverse impacts related to runoff, noise, or visual obstruction.

D. The variance request represents the minimum necessary.

The applicants are not increasing impervious areas and are reducing the structural footprint from what currently exists. The pavilion is positioned in the only feasible location due to the placement of the existing fireplace, grill, hardscape, and access paths. The 7' setback is the minimum necessary to ensure structural placement while avoiding additional environmental disturbance.

E. The need for a variance is not the result of actions taken by the applicant.

No development has commenced prior to the filing of this application. The need for the variance arises from preexisting site conditions, including the established placement of permanent outdoor improvements and the inherent physical and environmental constraints of the property, rather than from any voluntary or deliberate act by the applicant.

F. No Special Privilege Granted

Approval of the variance will not confer any special privilege that is not otherwise available to similarly situated properties within the Critical Area. The request is consistent with variances granted for comparable residential properties.

G. Protection of Water Quality and Habitat

The project will not adversely affect water quality or fish, wildlife, or plant habitat. Disturbance has been minimized, mitigation will be provided at County-required ratios, and all work will be conducted in harmony with the intent of the County's Critical Area Program.

H. Compatibility with Surrounding Properties

The pavilion is residential in scale, open-sided, and compatible with the character of the surrounding neighborhood. It will not alter neighborhood character, impair adjacent properties, or pose any adverse impacts related to runoff, noise, or visual obstruction.

4. Compliance with County Requirements

The prefile submittal includes all information required under **Anne Arundel County Code § 18-16-201**, including:

- Existing and proposed structures
- Setbacks

- Critical Area Buffer boundaries
- Disturbance areas
- Site plan (existing pergola shown in red; proposed pavilion shown in green)
- Access and staging areas
- Forest and natural feature delineations
- Vicinity map
- Grading / SWM considerations

5. Conclusion

The applicants respectfully request approval of the variance to (1) allow disturbance within the 100' tidal wetland buffer for the construction of a pavilion and associated access, and (2) reduce the required 15-foot side setback to 7 feet.

The proposal represents an overall **reduction in structural footprint**, no increase in impervious area, improved compliance compared to the existing condition, and no adverse impact to neighboring properties or the environment once mitigation is completed according to County standards.

We appreciate the County's consideration of this request and look forward to discussing the project further during the variance hearing.

Respectfully submitted,
Jenna Simmons
7th State Builders
443-926-9080

**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: 12/17/2025

Tax Map #	Parcel #	Block #	Lot #	Section
0057	0121	N/A	69	N/A

Tax ID: 90059504

FOR RESUBMITTAL ONLY

Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other)	Chris Caine Pavilion. Permit #- B02440932
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Project location/Address	1208 Southbreeze Ln.
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City	Annapolis	Zip	21403
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Local case number	
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Applicant:	Last name	Simmons	First name	Jenna
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Company	7th State Builders
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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:

7th State Builders to demo existing pergola, and install new 22' x 18' pavilion

Intra-Family Transfer
Grandfathered Lot

Growth Allocation
Buffer Exemption Area

Project Type (check all that apply)

- Commercial
- Consistency Report
- Industrial
- Institutional
- Mixed Use
- Other

- Recreational
- Redevelopment
- Residential
- Shore Erosion Control
- Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		39,849
RCA Area		1,059
Total Area		

Total Disturbed Area	Acres	Sq Ft
		351

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		4,090	Existing Lot Coverage		9,610
Created Forest/Woodland/Trees		0	New Lot Coverage		396
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		621
			Total Lot Coverage		9,385

VARIANCE INFORMATION (Check all that apply)

Acres	Sq Ft	Acres	Sq Ft
Buffer Disturbance	670	Buffer Forest Clearing	
Non-Buffer Disturbance		Mitigation	

Variance Type

- Buffer
- Forest Clearing
- HPA Impact
- Lot Coverage
- Expanded Buffer
- Nontidal Wetlands
- Setback
- Steep Slopes
- Other

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

Pavilion

CRITICAL AREA REPORT NARRATIVE

1. Proposed Use

The subject property is a **residential** single-family lot. The proposed work includes demolition of an existing pergola and construction of a new 22' x 18' pavilion in generally the same location. Existing outdoor features—including a fireplace, grill, and stone counter area—will remain. The purpose of the project is to maintain outdoor living space for reasonable residential use and enjoyment.

2. Vegetation, Existing Conditions, Disturbance, and Mitigation

The property contains scattered ornamental landscaping, small trees, and shrub plantings typical of residential lots within the Southbreeze community. Areas outside of developed yard space remain naturally vegetated with mixed understory growth. The property is approximately **40,908 square feet**, with buffer vegetation primarily along the rear portion abutting tidal influences. Disturbance will occur within the **100-foot tidal wetland buffer**, consisting of temporary access paths and permanent disturbance from the pavilion footprint. All disturbance will be mitigated at County-required ratios: **3:1 for permanent disturbance, 1:1 for temporary disturbance, and 2:1 for stormwater management if required**.

3. Methods to Minimize Impacts on Water Quality and Habitat

All construction activity will be performed by **7th State Builders**, and will implement **County-approved sediment and erosion controls**. Material staging and foot traffic within the buffer will be minimized to only what is necessary for construction. Site disturbance will be limited to the immediate work area.

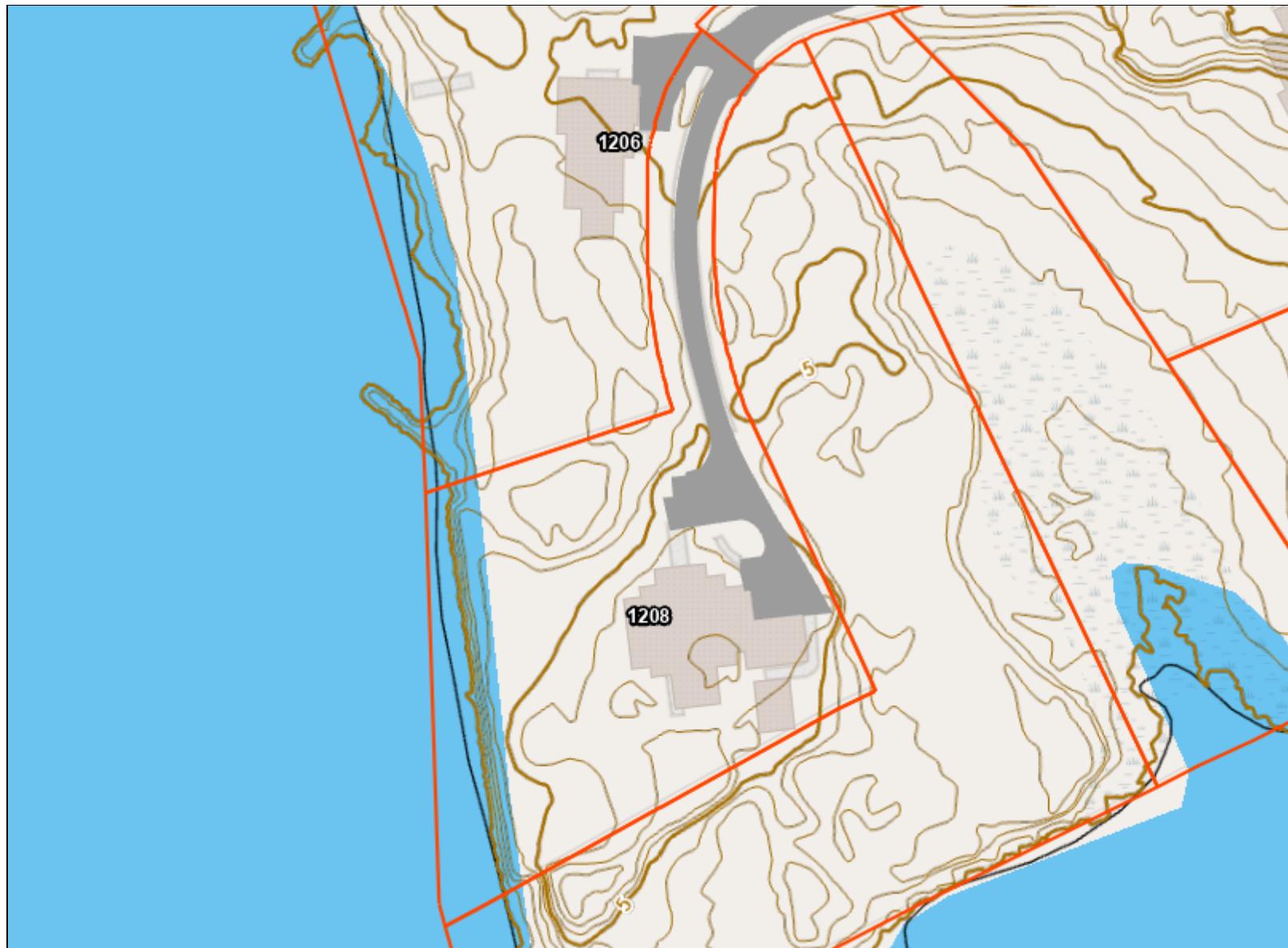
4. Impervious Surface Before and After Construction

The project reduces the overall impervious surface. The existing pergola and associated hardscape areas being removed exceed the footprint of the proposed 22' x 18' pavilion. As a result, impervious coverage **decreases**, and no net increase in lot coverage will occur.

5. Habitat Protection Areas

The property is located within the **100-foot tidal wetland buffer**, which will experience both temporary and permanent disturbance. No steep slopes ($\geq 15\%$), rare or endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging areas, natural heritage areas, or designated habitat protection areas of local significance have been identified on the site. All impacts to the tidal buffer will be mitigated at required Critical Area ratios.

1208 Southbreeze topo map



Legend

Foundation

Addressing



Parcels



Structure

County Structure



Elevation

Topo 2023

Index

Intermediate

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.

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Notes 1"=100'

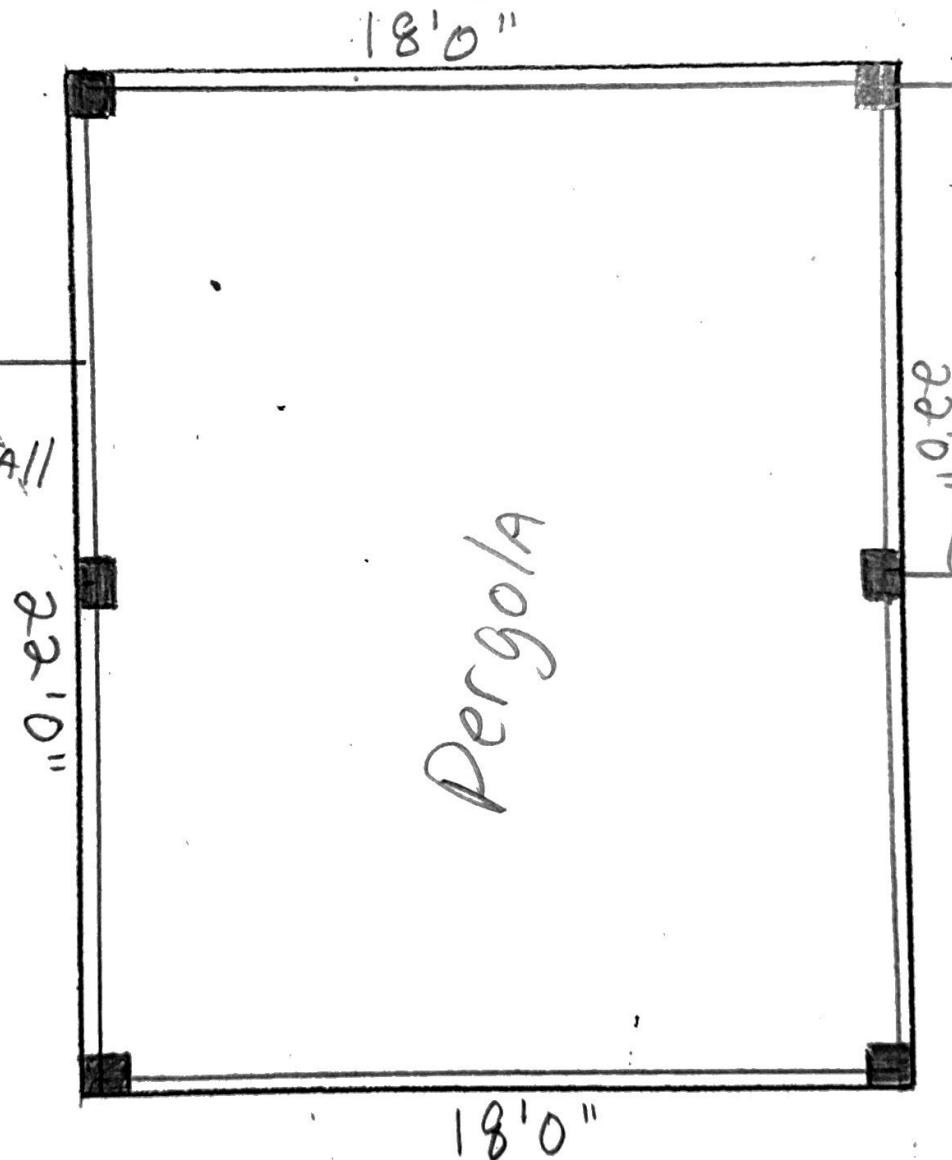


0 100 200 ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Beam Footer Plan $\frac{1}{4}'' = 1'0''$

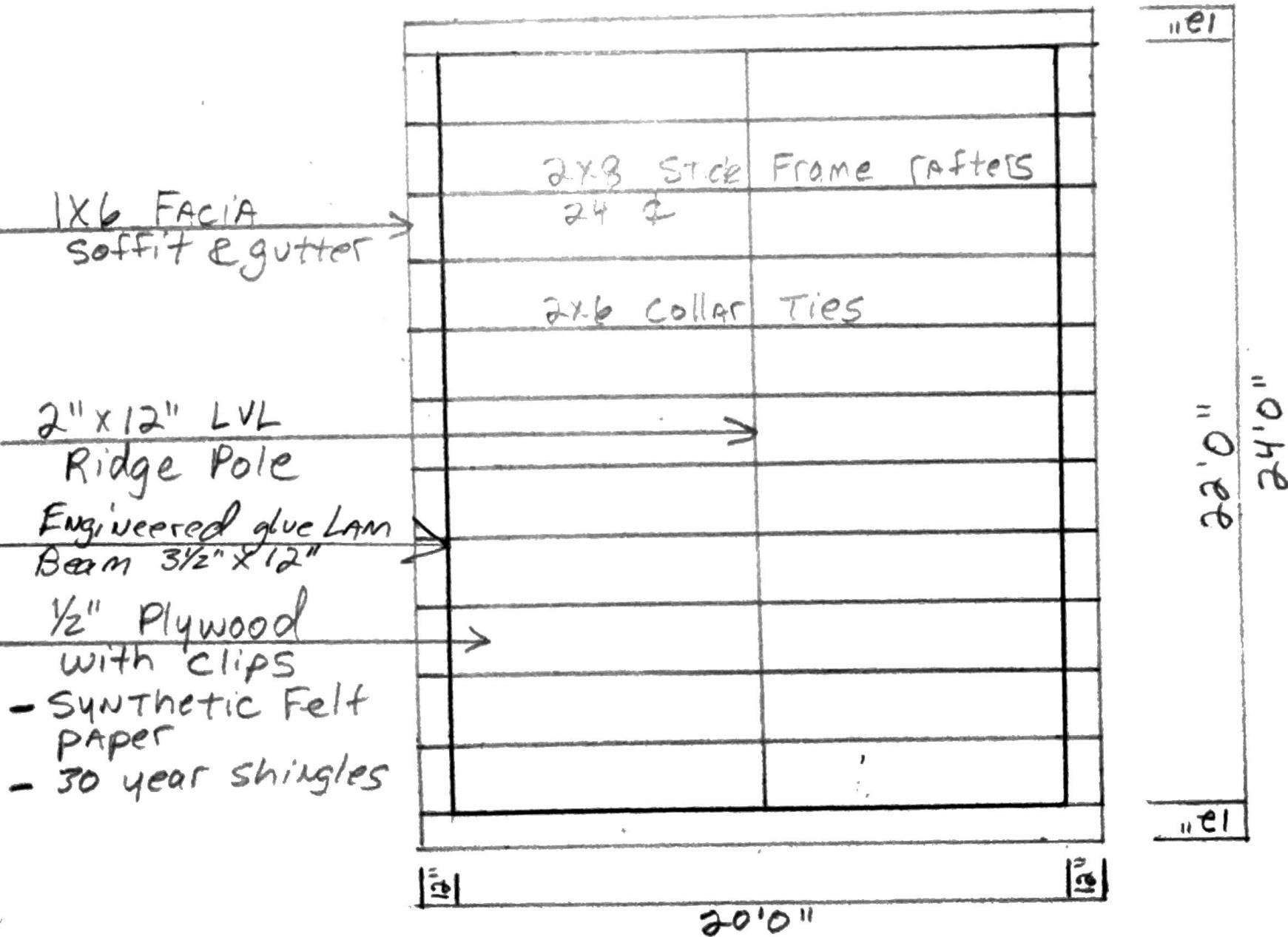


Footers 18" round
30" Deep
8" Thick

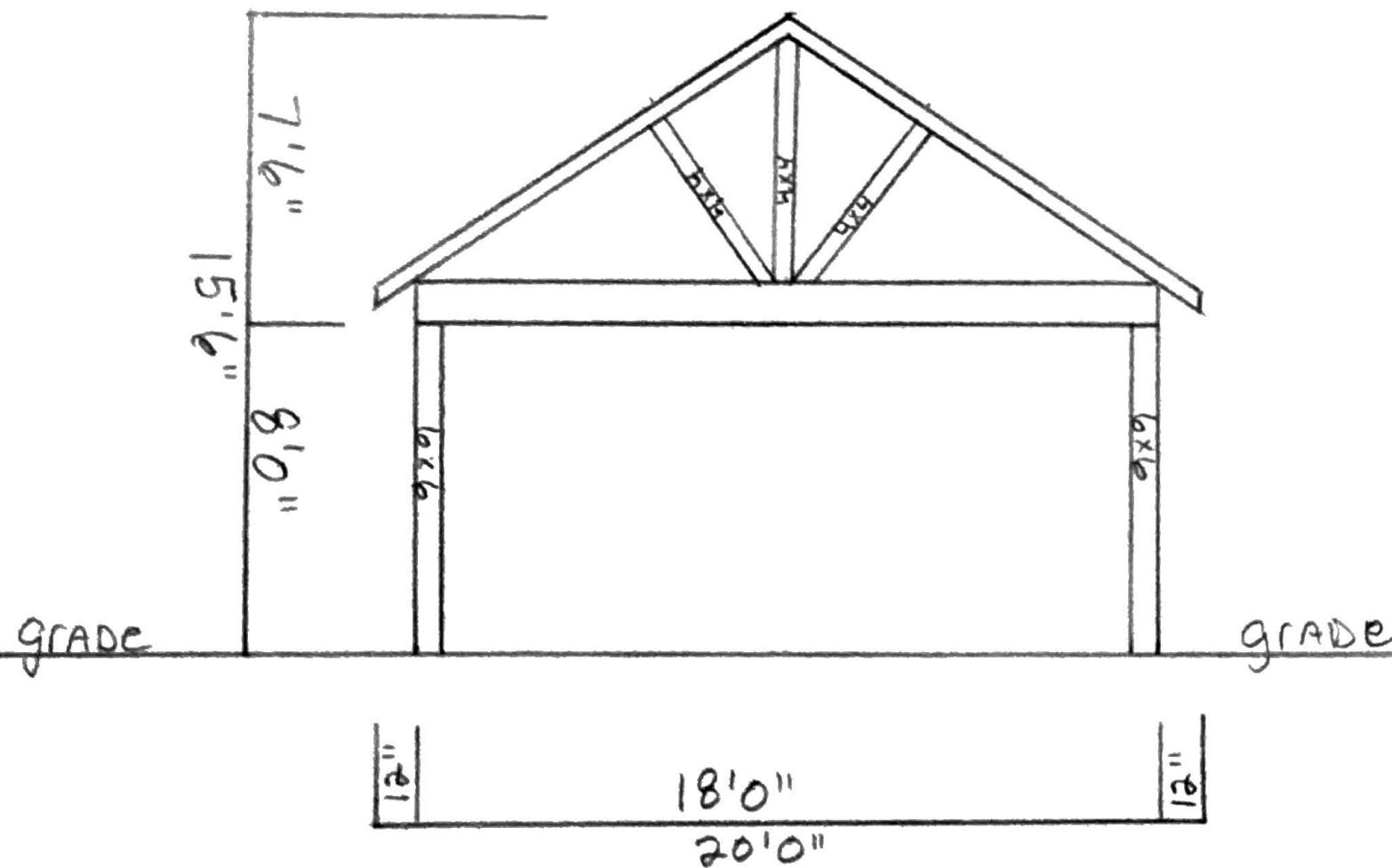
Engineered glue
LAM Beam
3 $\frac{1}{2}$ " wide x 12" TALL
- All way around
perimeter

6x6 Post
with Threw
Hex Bolts

(Pergola) Roof Frame Plan $\frac{1}{4}'' = 1'0''$



Elevations $\frac{1}{4}'' = 1'0''$





Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2025-0249-V; Caine (AA 0004-26) & 2025-0243-V; Style Works Design Build (AA 0003-26)

1 message

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>

Thu, Jan 22, 2026 at 3:28 PM

Good afternoon,

Our office has reviewed the above-referenced variance and provide the following comments:

- **2025-0249-V; Caine (AA 0004-26):** Appropriate mitigation is required.
- **2025-0243-V; Style Works Design Build (AA 0003-26):** The project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer, which is expanded for steep slopes. The proposed improvements will result in 2,019 square feet of lot coverage and 3,308 square feet of forest clearing within the Buffer. Our office notes that extensive removal of vegetation on the steep slopes for stormwater management could increase erosive conditions on the slopes. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate mitigation is required.

These comments have been entered into the County's online portal.

Sincerely,
Jamileh Soueidan

--



Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Jamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: 410-260-3462
Cell: 667-500-4994 (preferred)
jamileh.soueidan@maryland.gov

2025-0249-V

[Menu](#)[Cancel](#)[Help](#)**Task**

OPZ Critical Area Team

Assigned to Department

OPZ Critical Area

Action by Department

OPZ Critical Area

Start Time**Due Date**

01/13/2026

Assigned to

Kelly Krinetz

Action By

Kelly Krinetz

End Time**Assigned Date**

12/23/2025

Status

Complete w/ Comments

Status Date

12/31/2025

Hours Spent

0.0

Comments

No objection to the reconstruction of the existing pergola within the existing improved recreation space. Mitigation will be addressed with the permit application.

In Possession Time (hrs)**Comment Display in ACA** All ACA Users Record Creator Licensed Professional Contact Owner**Workflow Calendar****Billable**

No

Overtime

No

Time Tracking Start Date**Est. Completion Date****Display E-mail Address in ACA****Display Comment in ACA**

No

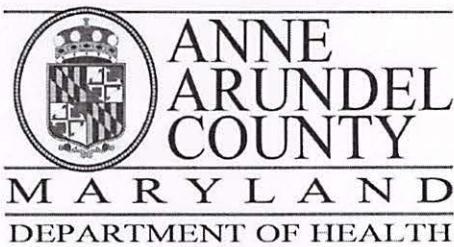
Estimated Hours

0.0

Action

Updated

Task Specific Information**Expiration Date****Reviewer Phone Number****Review Notes****Reviewer Email****Reviewer Name**



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 *BC*

DATE: January 9, 2026

RE: Caine Christopher
1208 Southbreeze Lane
Annapolis, MD 21403

NUMBER: 2025-0249-V

SUBJECT: Variance/Special Exception/Rezoning

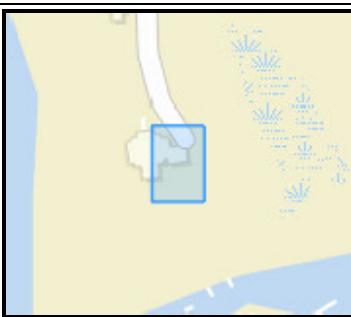
The Health Department has reviewed the above referenced variance to allow an accessory structure (pavillion) with less setbacks and buffer than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. 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

1208 Southbreeze Lane (2025-0249-V) - disturbance area



Legend



0 15 30 ft

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DO NOT USE FOR NAVIGATION.

none



Notes