

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

**APPLICANT:** Paloma Landeros

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2023-0150-V

**COUNCILMANIC DISTRICT:** 5

**HEARING DATE:** October 24, 2023

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



**REQUEST**

The applicant is requesting a variance to allow an accessory structure (detached garage) with less setbacks than required on property located at 201 Customs Way in Millersville.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has an area of approximately 0.91 acres (40,046 sq ft) and is located with road frontage on the west side of Customs Way, south of Jumpers Hole Road. The site is shown on Tax Map 23, Block 10, as Parcel 113, Lot 1 in the Parkview subdivision.

This property has been zoned R1 - Residential District since the adoption of Comprehensive Zoning for the Fifth Council District, effective January 29, 2012.

This non-waterfront lot is currently improved with a single-family detached dwelling with side attached garage, an in-ground pool, an undefined “existing structure” (shed?), and a paved driveway area.

**PROPOSAL**

The applicant proposes to construct a T-shaped detached garage that measures 56 feet wide by 26 feet at its widest depth and 24 feet in height.<sup>1</sup>

**REQUESTED VARIANCE**

§18-4-501 of the Anne Arundel County Code requires that an accessory structure in an R1 District shall be set back a minimum of fifteen feet from the side lot line. The proposed garage will be located 10 feet from the south side lot line requiring a variance of five feet to the requirement.

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<sup>1</sup> It is noted that the site plan shows the longest width as 56 feet, however, there are two sections that are 15 feet wide and a center section 30 feet wide. If approved, the site plan should be corrected.

**FINDINGS**

This Office notes that the subject property is an irregularly-shaped lot that is triangular in shape, with frontage on Customs Way and Jumpers Hole Road making this a corner lot. As originally platted a clear sight triangle was recorded along the northeastern side of the property due to the curvature of the roadway. The alignment of Jumpers Hole Road has changed since the property was platted. Trees have been added into the original roadway cutting off a portion of the road. The Office of Planning and Zoning has determined that Customs Way is the front, Jumpers Hole Road is a corner side for the entire length of any lot lines along the platted Jumpers Hole Road, and the southern boundary line is a side. The site meets the minimum lot area and width for a lot in the R1 District as evidenced by the subdivision.

A review of the County aerial photograph from 2023 shows a neighborhood of varying sized lots and semi-detached homes of varying sizes. The existing dwelling was constructed in 1993 according to State of Maryland tax assessment records. Accessory structures are common in the neighborhood but are primarily limited to small sheds and swimming pools. This Office did not do a permit search to substantiate if these accessory structures were constructed with permits. This Office found no recent variance cases in the neighborhood.

The **Health Department** commented that they do not have an approved plan, however, have no objection to the request so long as a plan is submitted and approved by the Health Department.

The standard for granting a variance is whether strict compliance of the zoning ordinance regulations would result in "practical difficulty or unnecessary hardship". Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. While this lot is irregular in shape the applicant already has the use of a two car garage and there is ample room on the property to locate a detached garage of reasonable size within the confines of the Code.

Approval of the variance may alter the essential character of the neighborhood as this proposal is larger than a typical residential garage that measures 24 feet by 24 feet. While the total 26-foot depth of the garage is not particularly excessive, the proposed width of the garage at 56 feet far exceeds what is typical for a residential use. Additionally, the garage is proposed to be 24 feet in height which suggests a second story that has not been explained. Although there are other accessory structures in the neighborhood, they are smaller than the subject garage. There is an accessory structure across Customs Way that is close to the same size, however, the use of that structure is undetermined and there is no driveway access so it does not appear to be a garage and may not have required a variance. Approval of the variance will not impair the appropriate use or development of the adjoining lot to the south as the lot is already developed and is buffered by a stand of trees. The variance, if approved, will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

The applicant is requesting setback relief for a structure that is twice as large in area as a typical residential detached garage when there is ample room on the property to place a smaller

accessory structure within the confines of the Code and has given no justification for the need for a structure so large. Denial of the variance request would not cause hardship in the use of the lot. Therefore, the variance request is unwarranted and is not considered to be the minimum necessary to afford relief.

**RECOMMENDATION**

With regard to the standards by which a variance may be granted as set forth under § 18-16-305 of the County Code, the Office of Planning and Zoning recommends ***denial*** of the variance request to § 18-4-501 of five feet to the required 15-foot side lot line setback to construct a detached garage as shown on the site plan. If approved the Office of Planning and Zoning recommends that the approval be conditioned on the garage not being used for any commercial purpose.

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.