

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

**APPLICANTS:** Joseph and Lauren Wilusz

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2023-0188-V

**COUNCILMANIC DISTRICT:** 5

**HEARING DATE:** February 1, 2024

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

**REQUEST**

The applicants are requesting a variance to perfect an accessory structure (shed with an attached lean-to) with less setbacks than required on property located at 443 Retford Drive in Severna Park.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has an area of approximately 7,097 square feet and is located with 52 feet of road frontage on the east side of Retford Drive, south of Hucknall Court. The site is Lot 12 Block C shown on Tax Map 23, Block 23, as Parcel 740 in the Chartridge subdivision.

This property has been zoned R5-Residential District since the adoption of Comprehensive Zoning for the Fifth Council District, effective January 29, 2012. The property is currently improved with a one and one-half-story single-family detached dwelling with a rear screened porch and deck<sup>1</sup>, a 4-foot by 7-foot shed, and the subject shed and lean-to. The property is served by public water and sewer service.

**PROPOSAL**

The applicants seek this after-the-fact variance to perfect a shed (10 feet wide by 12 feet deep by approximately 10 feet high) with an attached irregularly-shaped lean-to (approximately 8 feet by 10 feet) on the northwest side of the shed.

**REQUESTED VARIANCE**

§18-4-701 of the Anne Arundel County Code requires that an accessory structure in an R5 District that exceeds 64 square feet in area and is eight feet in height or greater shall be set back a minimum of seven feet from the side and rear lot lines. The shed and lean-to have been located two feet from the northwest side lot line and as close as two feet from the rear lot line. As such, a variance of five feet is required to both the side and rear lot lines.

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<sup>1</sup> The deck and screened porch were approved under building permit B02387281 September 3, 2020. The permit has not been completed.

## **FINDINGS**

This Office notes that the property does not meet the width requirement for the R5 District (60 ft minimum width required, 52 ft provided) but does meet the minimum area requirement (7,000 sq ft required, 7,097 sq ft provided). According to State Tax Assessment Records the house was built in 1979. The narrowness of the lot notwithstanding, this does not create a practical difficulty that dictates the need for a variance. This is a developed lot where the location of the existing dwelling could create a hardship in the location of accessory structures, however, there is room to locate accessory structures within the confines of the Code.

The applicants note that due to the property shape and the presence of trees there is no other location for a shed of this dimension on the property. They write that this shed mirrors the shed of similar dimensions at 419 Hucknall Court (Lot 11)<sup>2</sup> which is approximately 2-3 feet from the property line.

The applicants provided photographs as part of their explanation letter. This Office finds that “Figure 5 Front of Shed” clearly shows that there is more room available (to the left in the picture) to move the shed and lean-to away from the rear property line. The property is the subject of an open violation, case Z-2023-0812 was opened July 12, 2023 for “new shed built with no setback causing erosion to neighbors property”. The shed and lean-to were constructed without the benefit of a building permit.<sup>3</sup>

A review of the County aerial photograph from February 2023 shows a neighborhood of similarly sized lots with one dwelling per lot. Accessory structures are common in the side and rear yards. This Office did not confirm if these structures were constructed with variance approval or a building permit.

The **Health Department** commented that the property is served by public water and sewer facilities and they have no objection to the request.

Approval of the variance will not alter the essential character of the neighborhood as accessory structures are common in the area. Approval of the variance will not impair the appropriate use or development of the adjacent property, however, a shed with a lean-to in this location is not far enough away from the lot line to allow for maintenance on the subject property. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

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. 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

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<sup>2</sup> According to County records Lot 11 is 421 Hucknall Court and Lot 10 is 419 Hucknall Court.

<sup>3</sup> A shed with a floor area of 150 square feet or less does not require a building permit. The total square footage is approximately 200 square feet therefore a building permit is required.

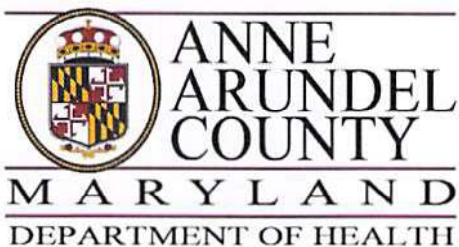
health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

While the lot is slightly narrow for the District, this factor does not contribute to the need for a variance. Shifting the shed and lean-to to be located three feet from the side and rear lot lines would provide the minimum space for maintenance of the shed and lean-to on the property and would require lesser variances. A smaller shed appears to be able to be located within the confines of the code or the 10-foot by 12-foot shed without the lean to could be shifted away from the rear lot line in compliance with the Code requiring only a variance to the side lot line. Therefore, the variance request can not be 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 § 18-4-701 of two feet to the side lot line and two feet to the rear lot line to construct a shed 10 feet wide by 12 feet deep by 10 feet high with an attached irregularly shaped lean-to 8 feet by 10 feet as shown on the site plan.

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.



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**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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: November 21, 2023

RE: Joseph & Lauren Wilusz  
443 Retford Drive  
Severna Park, MD 21146

NUMBER: 2023-0188-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect an accessory structure (shed) with less setbacks than required.

The Health Department has reviewed the above referenced request. The Property is served by public water and sewer facilities. 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

2023-0188-V



**Legend**

Foundation  
Addressing

Parcels

Parcels - Annapolis City

Planning

County Planning

- IDA - Intensely Developed Area
- LDA - Limited Development Area
- RCA - Resource Conservation Area
- FED - Federal Land
- Buffer
- Modified Buffer



**Notes**

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