

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

**APPLICANT:** Dimas Chavez & Josseline Amaya

**ASSESSMENT DISTRICT:** 3<sup>rd</sup>

**CASE NUMBER:** 2023-0200-V

**COUNCILMANIC DISTRICT:** 3<sup>rd</sup>

**HEARING DATE:** February 8, 2024

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicants are requesting a variance to perfect an accessory structure addition (shed)<sup>1</sup> with less setbacks than required on property located at 208-210 Queen Anne Road in Glen Burnie.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of two properties, each with its own tax identification number, totaling 10,000 square feet of land. The five lots combined are located with 100 feet of frontage on the southeast side of Queen Anne Road. They are identified as Lots 9 thru 13 of Parcel 17 in Block 21 on Tax Map 10 in the Marley Park Beach subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. The site is not waterfront, but it lies entirely within the Chesapeake Bay Critical Area overlay and is designated as IDA – Intensely Developed Area. It is currently improved with a single-family detached dwelling, two gazebos, paved parking and patio areas, an above ground pool, and two sheds, one of which is the subject of this variance request.

**PROPOSAL**

The applicants seek after-the-fact approval for the expansion of an existing storage shed. The prior shed measured 15'-9" wide by 20'-4" deep (approx. 320 sq. ft.) with a peak height of 11'-8". The recent addition measures 18'-9" wide by 15'-8½" deep (approx. 295 sq. ft.) with a peak height of 12'-11". The total post-construction shed area is approximately 615 square feet.

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that an accessory structure eight feet in height or greater in an R5 District shall be set back a minimum of seven feet from each side lot line. The shed addition was constructed two feet five inches (2'-5") from the east side lot line, necessitating a variance of five feet (rounded).

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<sup>1</sup> The intended use of the structure is questionable. The letter of explanation describes the structure as a storage shed; the site plan shows a "main house" and shows the subject structure as a garage; the floor plan shows that the structure contains a full bathroom with a bathtub and what appears to be a closet. The prior variance site plan (#2019-0102-V) showed a garage. However, the letter of explanation for that case indicated that the addition would "meet the guidelines for housing", was for "new living area", and would provide a "room for my sister and niece". The permit application at the time also showed that the structure was intended to be used for residential purposes. The applicants have submitted an affidavit attesting that the structure will not be used as a dwelling or for commercial purposes.

## **FINDINGS**

The 10,000 square foot, 100-foot wide subject property is rectangular in shape and far exceeds the minimum 7,000 square foot area and 60-foot width required in an R5 District. The property is the subject of an open compliance case (#B-2019-98). The violation is associated with a complaint, filed on February 5, 2019, for the construction of a shed addition without a building permit.

The property was the subject of a prior variance application (#2019-0102-V), which the County did not support. Approval was granted to perfect a garage addition with less setbacks than required. However, a building permit was never obtained and the variance approval has since expired. It should be noted that the current variance site plan does not match the site plan that was previously approved. The previous site plan showed the garage addition directly in line with (and no closer to the side lot line than) the original garage. However, the current site plan shows that the addition is one foot four inches (1'-4") closer to the east side lot line than the original garage.

The **Health Department** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection.

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants. Similarly, the after-the-fact nature of this request and any associated removal or relocation expenses cannot be considered as justification.

The letter of explanation did not provide any justification for the requested variance. There does not appear to be anything unique about the subject property nor do exceptional circumstances exist that would prevent the applicants from developing the lot in accordance with the Code. If the intended use of the structure is in fact storage, there appears to be room elsewhere on the lot to accommodate additional storage without the need for a zoning setback variance. Furthermore, the applicants already had the use of a substantial 320 square foot shed plus a smaller 8'-4" by 11'-6" (approx. 96 sq. ft.) shed prior to the construction of the subject addition.

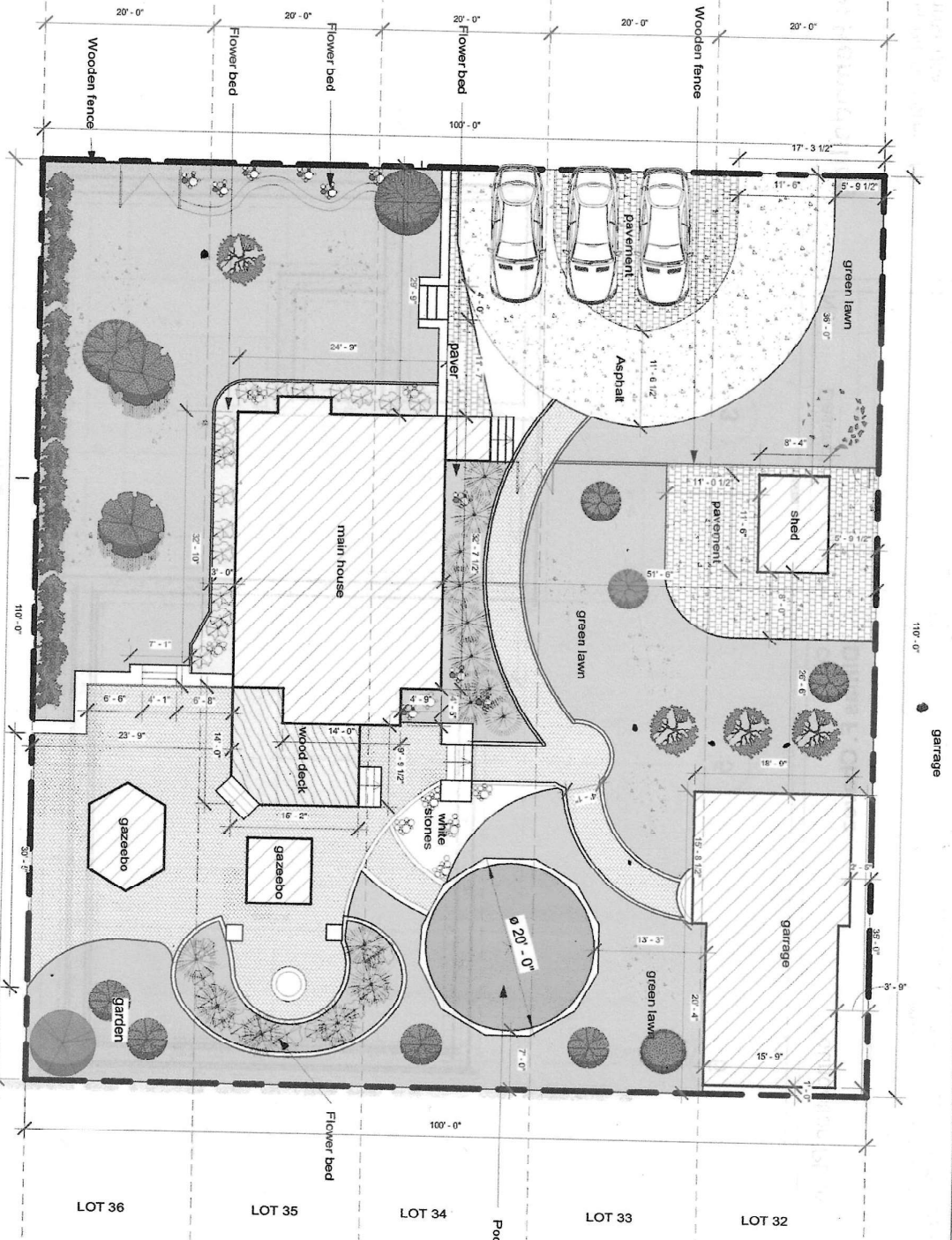
The variance would not necessarily alter the essential character of the neighborhood, as other nonconforming accessory structures do exist in the rear yards of several nearby lots. There is no evidence that the proposal would be detrimental to the public welfare. However, the 36-foot long structure located as close as 2.5 feet from the side lot line may impair the appropriate use (air, light, and view) of the adjacent property to the immediate east. The applicants have not sufficiently demonstrated that the variance is warranted nor that it is the minimum necessary to afford relief. Therefore, the request cannot be supported.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the requested zoning variance to § 18-4-701.

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**  
Level 1  
1 : 150



**Residential Remodelling**

208, Queen Anne Rd, Glen Burnie, MD  
21060, USA

No.	Description	Date

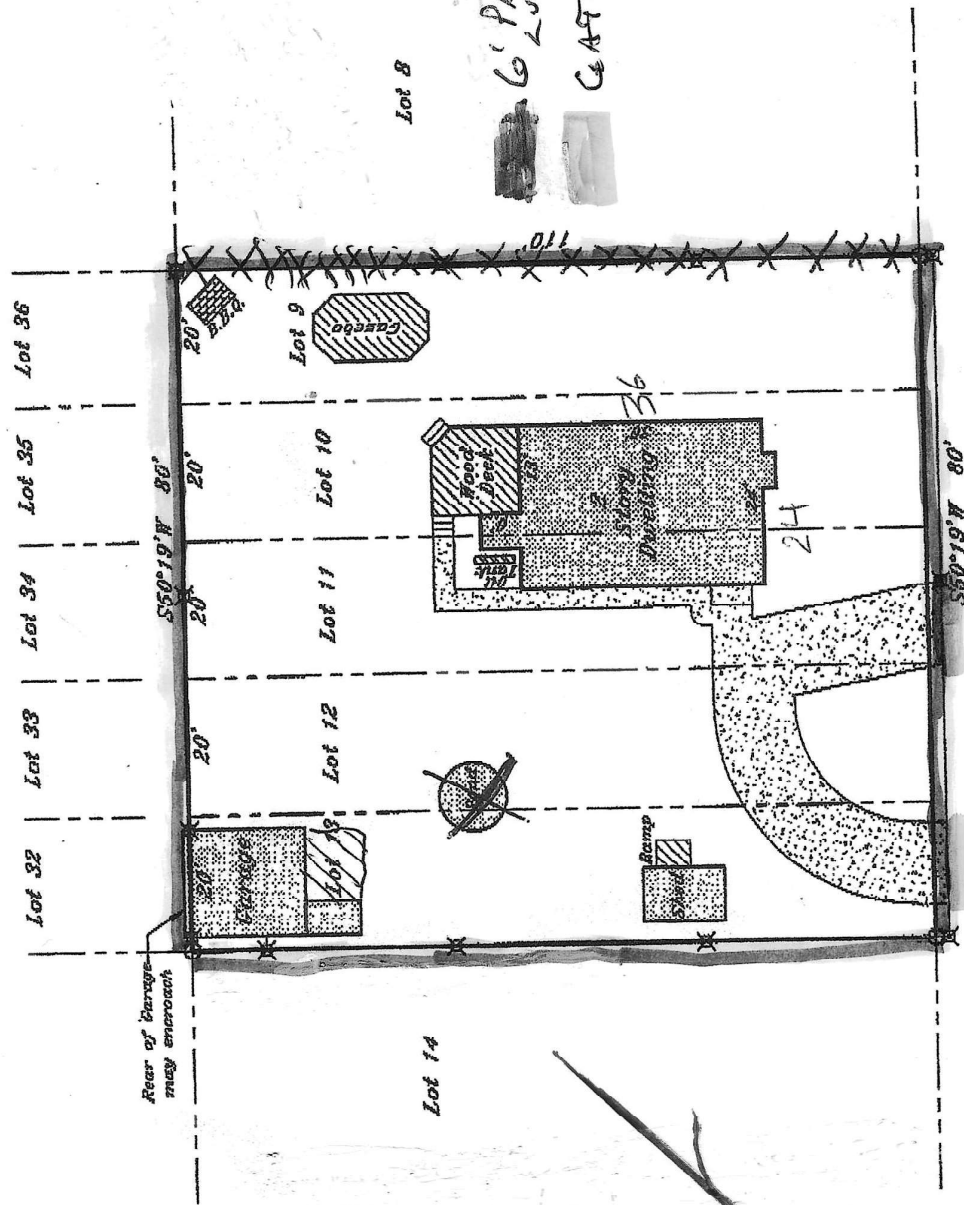
Client:  
**Dimas F. Chavez**

**Site Layout**

Project number	0001
Date	
Issue Date	
Drawn by	Niyi Alesina
Checked by	
Scale	1 : 150

A102

Lot Number: 8, 10, 11, 12 & 13  
 Block/Section: 2  
 Plat Reference: Book: 2 Page: 19  
 Title of Plat: Marley Park Beach



6' PRIVACY FENCE  
 LUMBER  
 GATES

QUEEN ANNE ROAD

insofar as it is  
 any or its agent  
 up or refinancing.  
 ment or location  
 after existing or  
 areal distances is  
 provide for the  
 lines, but such  
 transfer of title or  
 mate location of  
 nt property lines.  
 serving this plat.

land

7/30/12

ration

204

12-3764

on-design.com

10

**DIMAS F. CHAVEZ**

208 Queen Anne Road  
Glen Burnie, MD 21060

C: 410.777.6014 ~ E: [dimas.chavez1919@gmail.com](mailto:dimas.chavez1919@gmail.com)

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**LETTEER OF EXPLANATION**

14 October 2023

Variance Application  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, MD 21401

A variance is respectfully requested for a new addition to an existing storage shed. The purpose of this addition is for additional space for storage of personal items, tools and other small equipment. It is important to note that both the existing and newly already-built addition will **NOT** be used as a dwelling/living space. Kindly refer to the attached Affidavit dated 16 October 2023.

The new addition is already built. Prior to construction, discussions were held with neighbors who did not object to the construction of additional space. Please note that the proximity of site boundaries of each property appears to be typical in this neighborhood, as existing properties are built in very close proximity to each other.

Revised architectural plans addressing issues brought up by Environmental/Zoning/Grading have been uploaded under Permit #B02367928.

Also, please note the following:

**PROPERTY**

Lot #s 9, 10, 11, 12, 13 each lot 20'W x 110'D

*Frontage:* 100' onto Queen Anne Road

Privacy fence 6'H, two gates, one house entry

*Left and right side:* 110'

Privacy fence 6'H, no gates

*Rear* 100'

Privacy fence 6'H, no gates

**PROPERTY LINES SETBACKS:**

Existing storage shed setback = 3'10"

New additional setback – already built = 2'5"

**Variance needed = 1'5"**

PLEASE NOTE: Variance Case Number 2019-0102-V was already GRANTED on 18 July 2019. However, due to inability of follow up for personal reasons, this variance expired 18 January 2021.

**DIMAS F. CHAVEZ**

208 Queen Anne Road  
Glen Burnie, MD 21060

C: 410.777.6014 ~ E: [dimas.chavez1919@gmail.com](mailto:dimas.chavez1919@gmail.com)

**DIMENSIONS:**

*Existing Structure*

15'10-1/2"W x 19'4"L = 306.9 ft2

Level 2 Floor to level 3 Ceiling = 8'0"H

Level 1 Ground to level 4 Roof peak = 10'0"H

Immediately upon Permit approval, and to conform with requirements, walls adjacent to property lines will be 1-hr rated wall 5/8" type X gypsum board, as per uploaded architectural plans.

*Already-Built Structure attached to existing structure*

18'11-1/2"W x 15'3-1/2"L = 289.9 ft2

Level 2 Floor to level 3 ceiling = 8'2-1/2"H

Level 1 Ground to Roof peak = 12'10-1/2"H

Immediately upon Permit approval, and to conform with requirements, walls adjacent to property lines will be 1-hr rated wall 5/8" type X gypsum board, as per uploaded architectural plans.

**NEIGHBORS:**

*Sides:*

Ms. Anne Hensler – 206 Queen Anne Road (contact not available)

Ms. Bridget Cooper – 212 Queen Anne Road - contact 585.465.2048

*Rear:*

Mr. Harry Dutton – 207 Marley Neck Road – contact 410.591.6825

Mr. Cesar Hernandez – 209 Marley Neck Road – contact 443.523.0089

The property was purchased in August 2017. It included the existing storage structure. We did not know any better and were ill-advised regarding the newly constructed addition. It is for this reason that we wish to do the correct thing: we wish to follow, and comply with, all requirements of Anne Arundel County. Therefore, we ask that you approve the variance as respectfully requested.

Sincerely,

*Dimas F. CHAVEZ*

Dimas F. Chavez

**DIMAS F. CHAVEZ**

208 Queen Anne Road  
Glen Burnie, MD 21060

C: 410.777.6014 ~ E: [dimas.chavez1919@gmail.com](mailto:dimas.chavez1919@gmail.com)

**AFFIDAVIT**

CONCERNING BUILDING PERMIT # B02367928

PROPERTY ADDRESS: 210 QUEEN ANNE ROAD – GLEN BURNIE, MD 21060

PROPERTY TAX ACCOUNT #: 3-540-90025527

I, DIMAS F. CHAVEZ, PROPERTY OWNER, IN MAKING AN APPLICATION FOR THE ABOVE REFERENCED BUILDING PERMIT, DO HEREBY ACKNOWLEDGE THAT THE ADDITIONAL SPACE TO THE EXISTING STORAGE SHED **WILL NOT BE USED AS AN INDEPENDENT DWELLING/LIVING SPACE OR FOR COMMERCIAL PURPOSES.**

I HAVE BEEN INFORMED THAT IN THIS **R5** ZONING DISTRICT, APARTMENTS, TWO-UNIT DWELLINGS, GUEST HOUSES, RENTAL UNITS AND DETACHED DWELLING UNITS THAT CONTAIN HABITABLE LIVING SPACE OR ATTACHED UNITS NOT IN COMPLIANCE WITH **ARTICLE 18, SECTIONS 18-1-101 (48 (vi) AND 18-10-120** ARE NOT PERMITTED USES UNDER THE ANNE ARUNDEL COUNTY ZONING CODE!

I UNDERSTAND THAT USES ENUMERATED ABOVE WOULD BE PURSUED AS ZONING VIOLATIONS IF INITIATED.

SIGNATURE X *[Signature]*  
PRINT NAME X DIMAS CHAVEZ  
DATE X 11/1/2023

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, TO WIT:

I HEREBY CERTIFY THAT ON THIS 01 DAY OF November, 2023, BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED Dimas Franklin Chavez KNOWN TO ME (OR SATISFACTORILY PROVEN) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN AGREEMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE THEREIN.



IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

*[Signature]*  
NOTARY PUBLIC

MY COMMISSION EXPIRES 09/26/2025

**ERIKA A KOPATCH**  
**NOTARY PUBLIC**  
**ANNE ARUNDEL COUNTY**  
**MARYLAND**  
**My Commission Expires 09-26-2025**

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FOR OFFICE USE ONLY

AFFIDAVIT NO. \_\_\_\_\_

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number B0236-7928

Total Site Area 2,200 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

\* Please Indicate Square Footage of Woodland Removed for the following:

- 1. House Sq. Ft. 5. Accessory Structure Sq. Ft.
2. Septic or sewer Sq. Ft. 6. Additions Sq. Ft.
3. Well Sq. Ft. 7. Storm Water Management Sq. Ft.
4. Driveway Sq. Ft. 8. Other Clearing: work area; access; stockpiles, etc. Sq. Ft.

\* Total Woodland Removed = Sq. Ft.

'Impervious Coverage' IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

\* Please Indicate Square Footage of Impervious Coverage for the following:

Table with 2 columns: Existing Impervious and Proposed Impervious. Rows include House (roof area), Driveway + Sidewalks, Accessory Structures, and Additions.

\* Total Existing and Proposed Impervious Coverage 1,922 Sq. Ft.

PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I DIMAS F. CHAVEZ, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 13, block # 21 of Subdivision MARLEY PARK BEACH.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

Signature: [Handwritten Signature] (Date) 9 Nov 23
OWNER (Title)

(Signature) (Date)
(Title)



**Residential Remodelling**

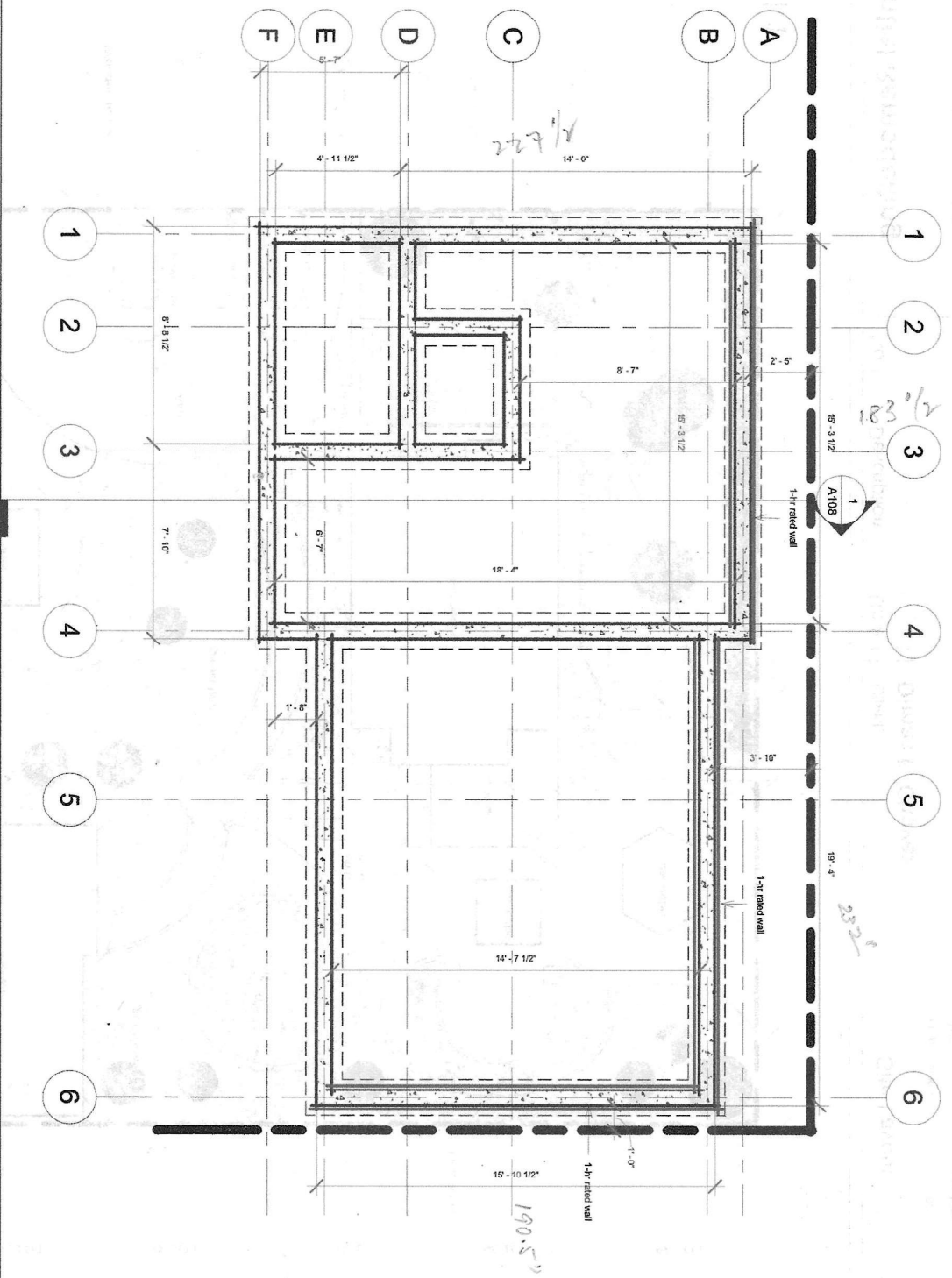
208, Queen Anne Rd, Glen Burnie, MD  
21060, USA

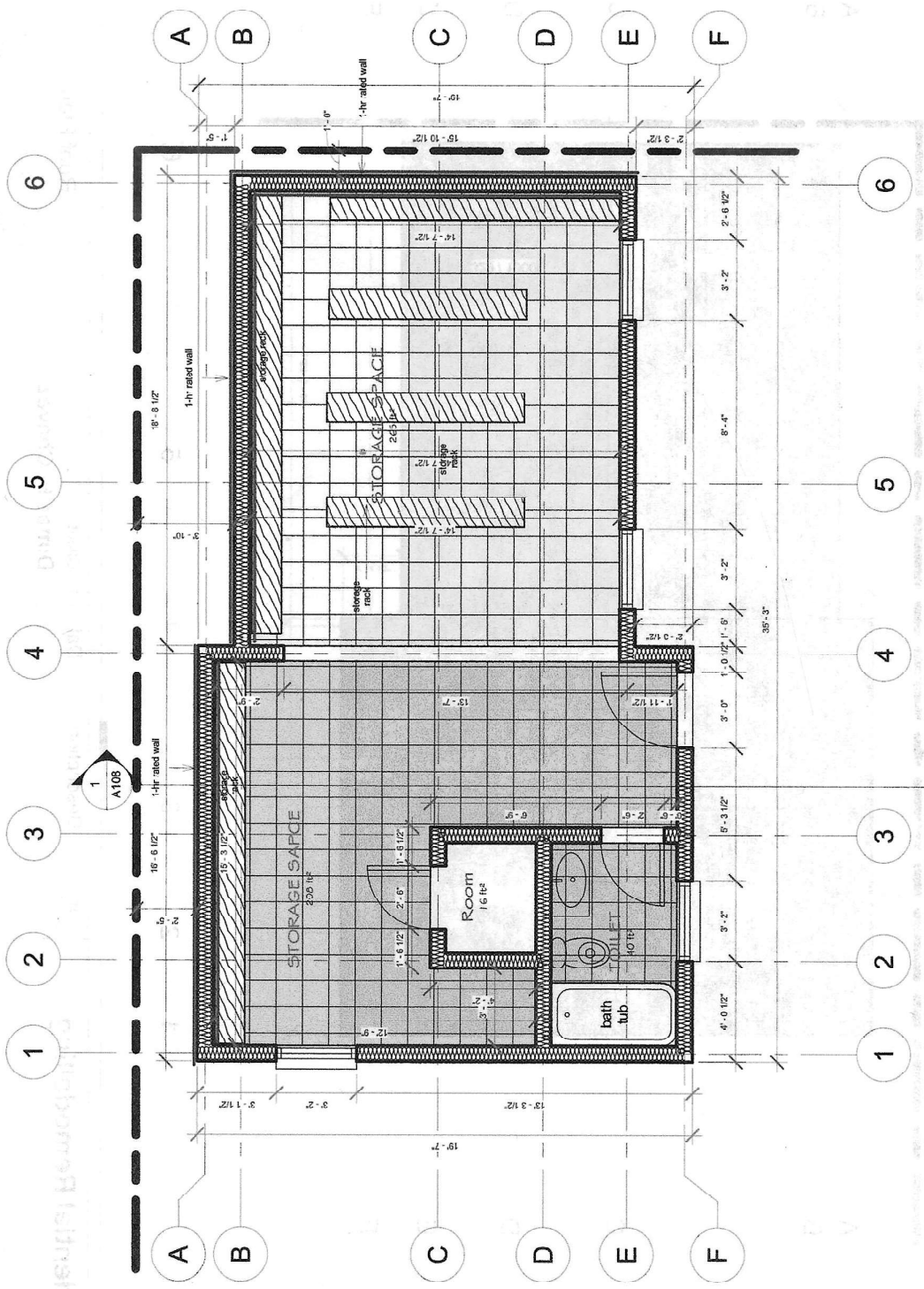
No.	Description	Date

Client:  
**Dimas F. Chavez**

**Foundation Plan**

Project number: 0001  
Date: \_\_\_\_\_ Issue Date: \_\_\_\_\_  
Drawn by: Nijj Aisemola  
Checked by: \_\_\_\_\_ Checker: \_\_\_\_\_ Scale: 1:50





**Residential Remodelling**

208, Queen Anne Rd. Glen Burnie, MD  
21060, USA

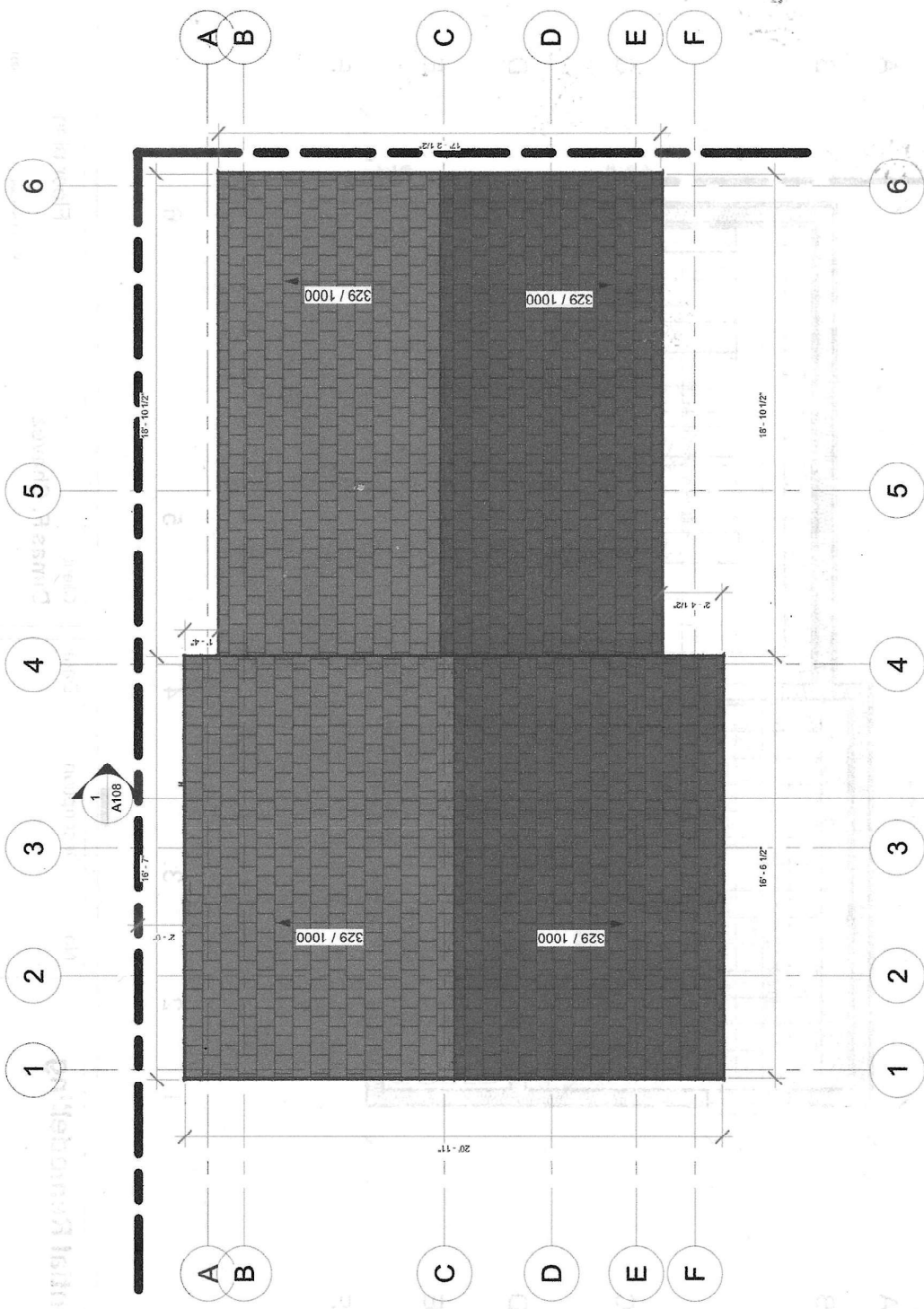
No.	Description	Date

Client: **Dimas F. Chavez**

**Floor plan**

Project number: 0001  
 Date: \_\_\_\_\_ Issue Date: A104  
 Drawn by: Nhyi Ajiemola  
 Checked by: \_\_\_\_\_ Checker: \_\_\_\_\_  
 Scale: 1:50

4



### Residential Remodelling

208, Queen Anne Rd, Glen Burnie, MD  
21060, USA

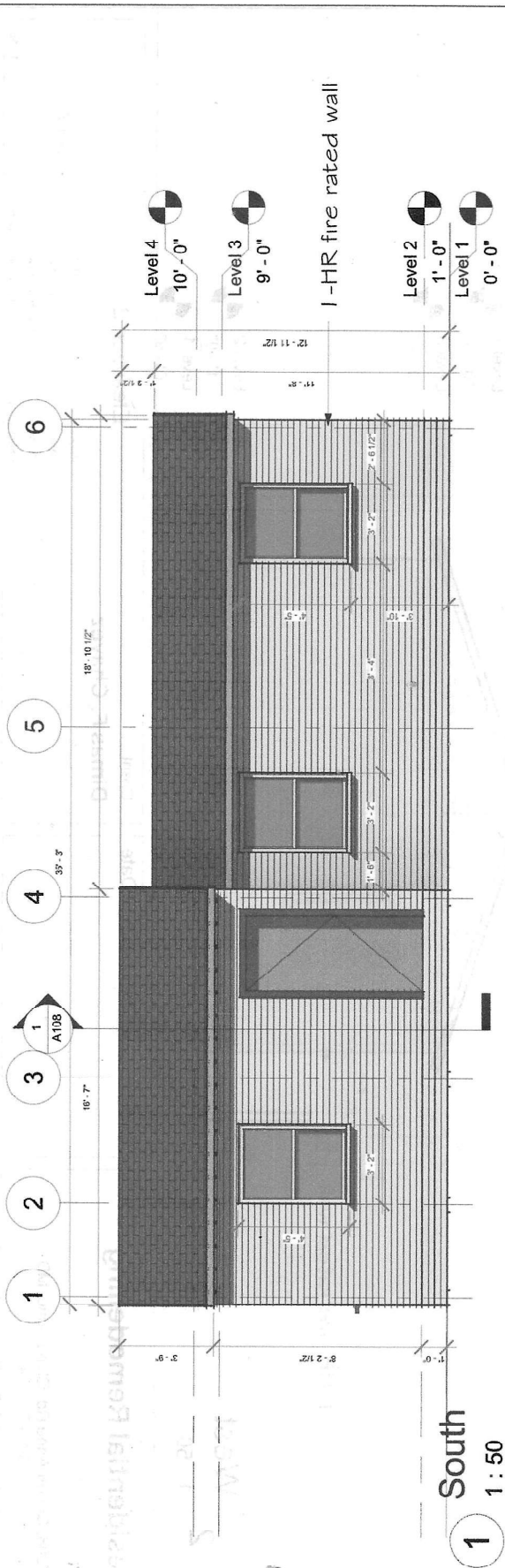
No.	Description	Date

Client:  
**Dimas F. Chavez**

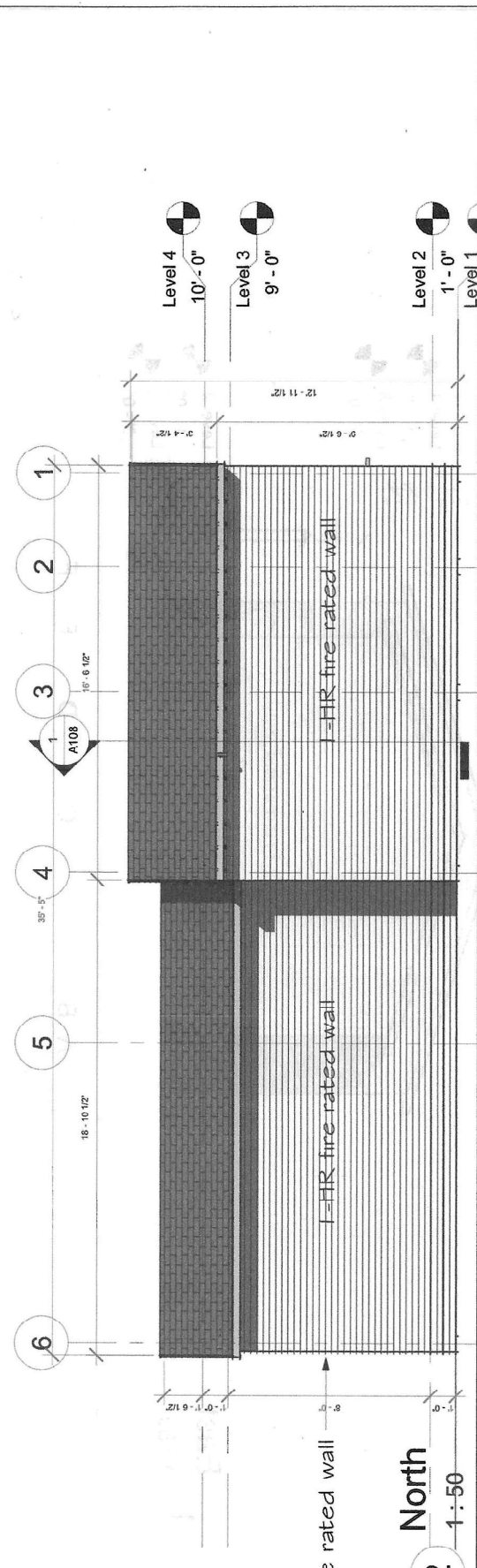
### Roof Plan

Project number	0001
Date	Issue Date
Drawn by	Niyi Ajiemola
Checked by	Checker
Scale	1 : 50

A105

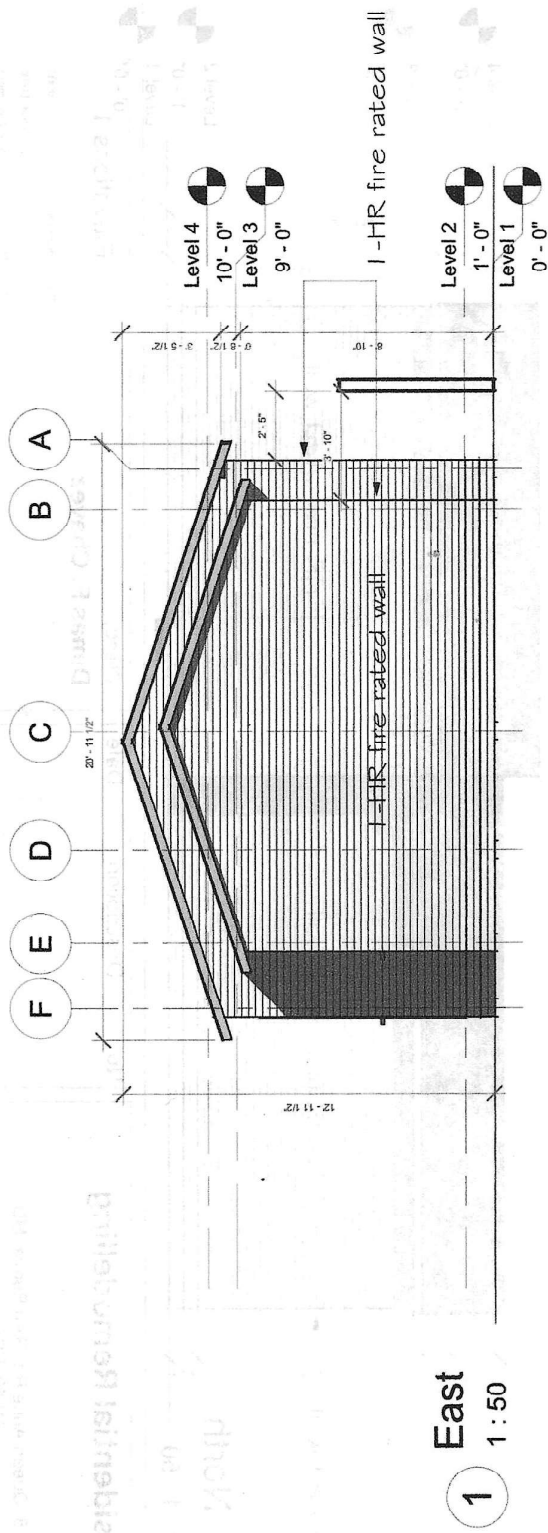


1 South  
1 : 50

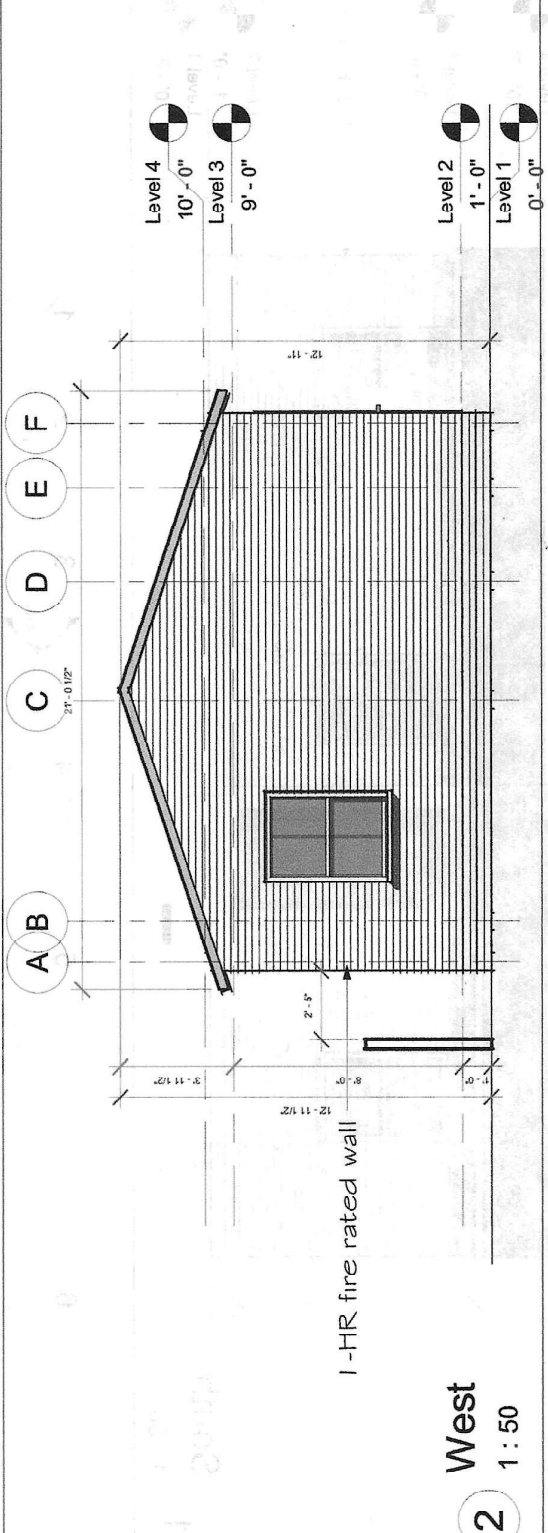


2 North  
1 : 50

<b>Residential Remodelling</b>		<b>Elevations 1</b>	
208, Queen Anne Rd. Glen Burnie, MD 21060, USA		Project number 0001 Issue Date Drawn by Niyi Ajiemola Checked by Scale 1 : 50	
Client: <b>Dimas F. Chavez</b>		A106	
No.	Description	Date	



East  
1 1:50



West  
2 1:50

**Residential Remodelling**  
208, Queen Anne Rd, Glen Burnie, MD  
21060, USA

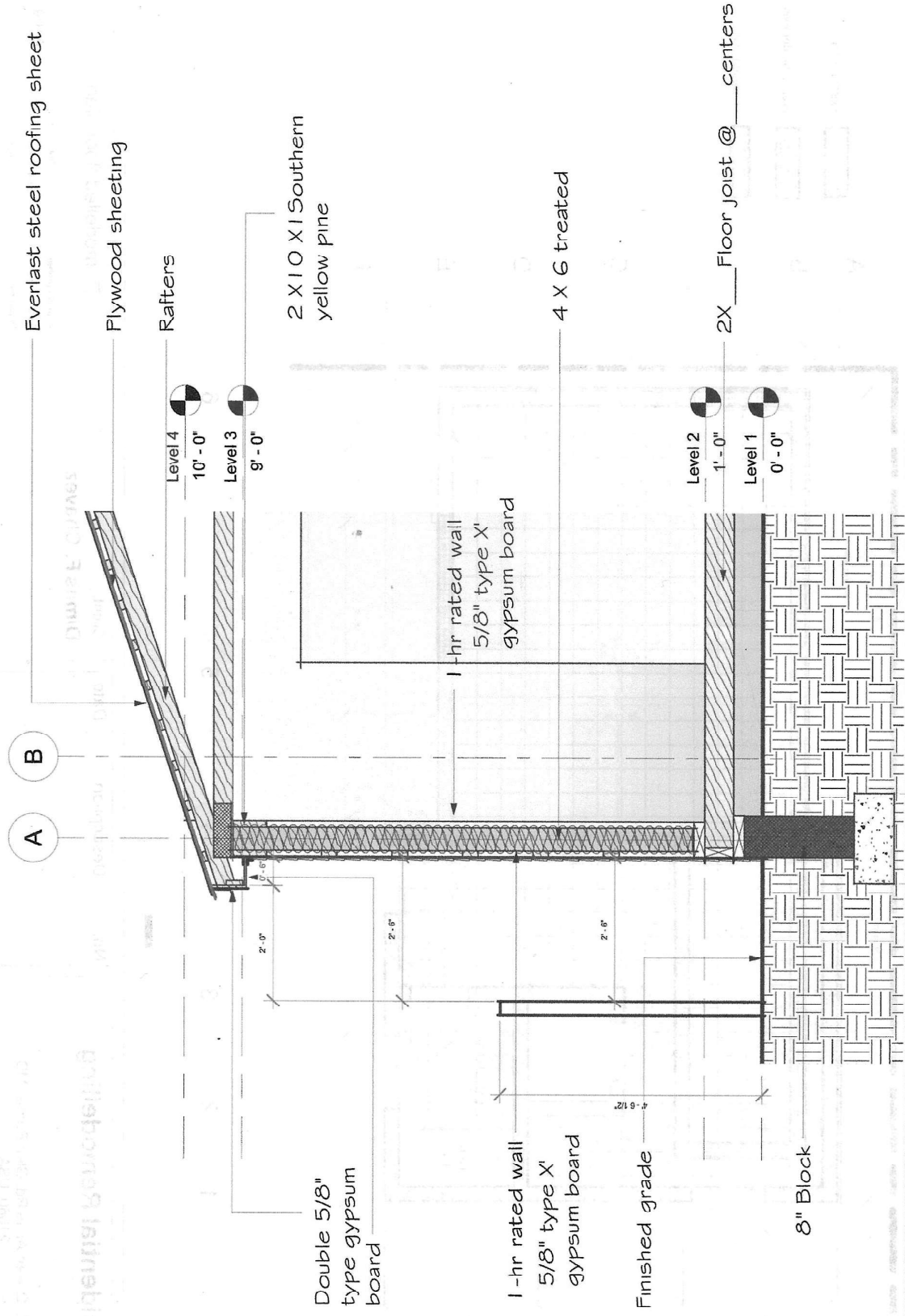
No.	Description	Date

Client:  
**Dimas F. Chavez**

**Elevation 2**

Project number	0001
Date	Issue Date
Drawn by	Mtyl Ajjemola
Checked by	Checker
Scale	1:50

A107



Everlast steel roofing sheet

Flywood sheathing

Rafters

2 X 10 X 1 Southern yellow pine

4 X 6 treated

2X \_\_\_ Floor joist @ \_\_\_ centers

Level 4  
10' - 0"

Level 3  
9' - 0"

Level 2  
1' - 0"

Level 1  
0' - 0"

1-hr rated wall  
5/8" type X  
gypsum board

Double 5/8"  
type gypsum  
board

1-hr rated wall  
5/8" type X  
gypsum board

Finished grade

8" Block

A B

**Residential Remodelling**

208, Queen Anne Rd. Glen Burnie, MD  
21060. USA

No.	Description	Date

Client:  
**Dimas F. Chavez**

**Cross section**

Project number	0001
Date	Issue Date
Drawn by	Niji Ajjemola
Checked by	Checker
Scale	
1 : 20	



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

A handwritten signature in blue ink, appearing to be "BC", located to the right of the "FROM:" line.

DATE: November 21, 2023

RE: John Riva  
210 Queen Anne Road  
Glen Burnie, MD 21060

NUMBER: 2023-0200-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect an accessory structure addition 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



209

QUEEN

212

Address Points: 210 QUEEN ANNE RD, 21060

1

208

206

209

