

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

**APPLICANT:** Mindy M. & Burnette E. Fleetwood, III      **ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2023-0137-V      **COUNCIL DISTRICT:** 3

**HEARING DATE:** March 12, 2024      **PREPARED BY:** Jennifer Lechner  
Planner II



**REQUEST**

The applicants are requesting a variance to allow an accessory structure (detached garage) with less setbacks than required on property located at 4401 Forsythia Lane in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 15,850 square feet<sup>1</sup> of land and is located with 100 feet<sup>2</sup> of frontage on the south side of Forsythia Lane, 0 feet east of Temple Drive. It is identified as Lot 9 of Parcel 409 in Grid 17 on Tax Map 17 in the Sharonville subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. It is currently improved with a single-family detached dwelling and a large shed. The County 2023 aerial photo shows three additional sheds and an above-ground pool with an attached deck, none of which are shown on the site plan.<sup>3</sup>

**PROPOSAL**

The applicants are seeking approval to construct a one-story 20-foot by 35-foot (700 square foot<sup>4</sup>) detached garage on the west side of the existing house. A second driveway and walkways are also proposed. The garage height was not provided.

**REQUESTED VARIANCES**

§ 18-4-601 of the Anne Arundel County Zoning Ordinance provides that an accessory structure

---

<sup>1</sup> There is a discrepancy between the lot area shown on the site plan (15,850 sqft), the SDAT record (15,642 sqft), and the dimensions shown on the Sharonville subdivision plat (15,747.31 sqft) (Plat 1154; Plat Book 24, 5/29/1953).

<sup>2</sup> There is a discrepancy between the lot dimensions noted on the site plan versus the plat. The site plan notes the dimensions as 100' front lot line, 100' rear lot line, 158.6' west corner side lot line, and 158.6' (and 158'-2") east side lot line; whereas the plat notes the dimensions as 101.0' front lot line, 98.27' rear lot line, 158' west corner side lot line, and 158.10' east side lot line.

<sup>3</sup> While a building permit is not required for the smaller sheds, a permit is required for an above-ground pool and deck. This Office could not locate a building permit for the pool and attached deck, which appear to have been constructed sometime between June and October of 2022.

<sup>4</sup> The site plan erroneously labels the total garage area as 840 sqft instead of the actual 700 sqft currently proposed.

in an R2 District shall be set back a minimum of 20 feet from a corner side lot line. The site plan indicates that the garage would be located five feet from the corner side lot line, necessitating a variance of 15 feet.<sup>5</sup>

## **FINDINGS**

The subject property is rectangular in shape and exceeds the minimum 80-foot width and 15,000 square foot area for lots served by public sewer in an R2 District. A review of the County's aerial photography indicates that the existing coverage by structures is approximately 3,500 square feet. The new detached garage (700 sqft) would increase the coverage by structures to approximately 4,200 square feet, which is below the maximum coverage by structures allowed by § 18-4-601 (30% or approximately 4,724 square feet).

The property is the subject of an open compliance case (B-2023-297). The case relates to a building permit that was issued in error (B02415351). While the Planner who performed the permit review is no longer employed by the County, it appears that he believed that the irregularly shaped piece of property shown to the left of the subject lot on the site plan was part of the applicants' property and approved the building permit for a location that is actually partially within the County right-of-way. The County Building Inspector discovered the discrepancy and issued a stop work order.

The revised garage proposal that is the subject of this variance application reduces the previously requested garage width from 24 feet to 20 feet and shifts the garage closer to the house. The current site plan now shows the garage five feet from the western side lot line. This Office received several phone calls from various neighbors expressing concerns over the accuracy of the revised site plan. They claim that the lot lines are based on County mapping tools rather than on actual surveyed lot lines and believe that the proposed garage would be closer to the side lot line and the right-of-way than is currently shown. The responsibility is on the applicant to provide an accurate site plan, and this Office has performed this variance review based on the site plan that has been provided with the application. However, there is a clear discrepancy between the lot dimensions shown on the site plan and the dimensions shown on the subdivision plat, as footnoted on Page 1 of this report.

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

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. In the case of the subject lot, 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

---

<sup>5</sup> The site plan erroneously shows an irregularly shaped piece of property located between the subject lot and the right-of-way. However, the Sharonville subdivision plat shows that Lot 9 directly abuts the right-of-way. The unpaved grassy area adjacent to the western lot line is actually part of the County right-of-way.

conformance with the Code. The rear (southern) yard is flat and open. The only thing preventing a garage to the rear/south of the house is the location of a pool and attached deck that appear to have been constructed in 2022 without permits. In fact, even with those structures in place, there may still be room for a standard two-car garage to the south of the pool in a location that complies with the minimum 20-foot corner side and seven foot rear setbacks.

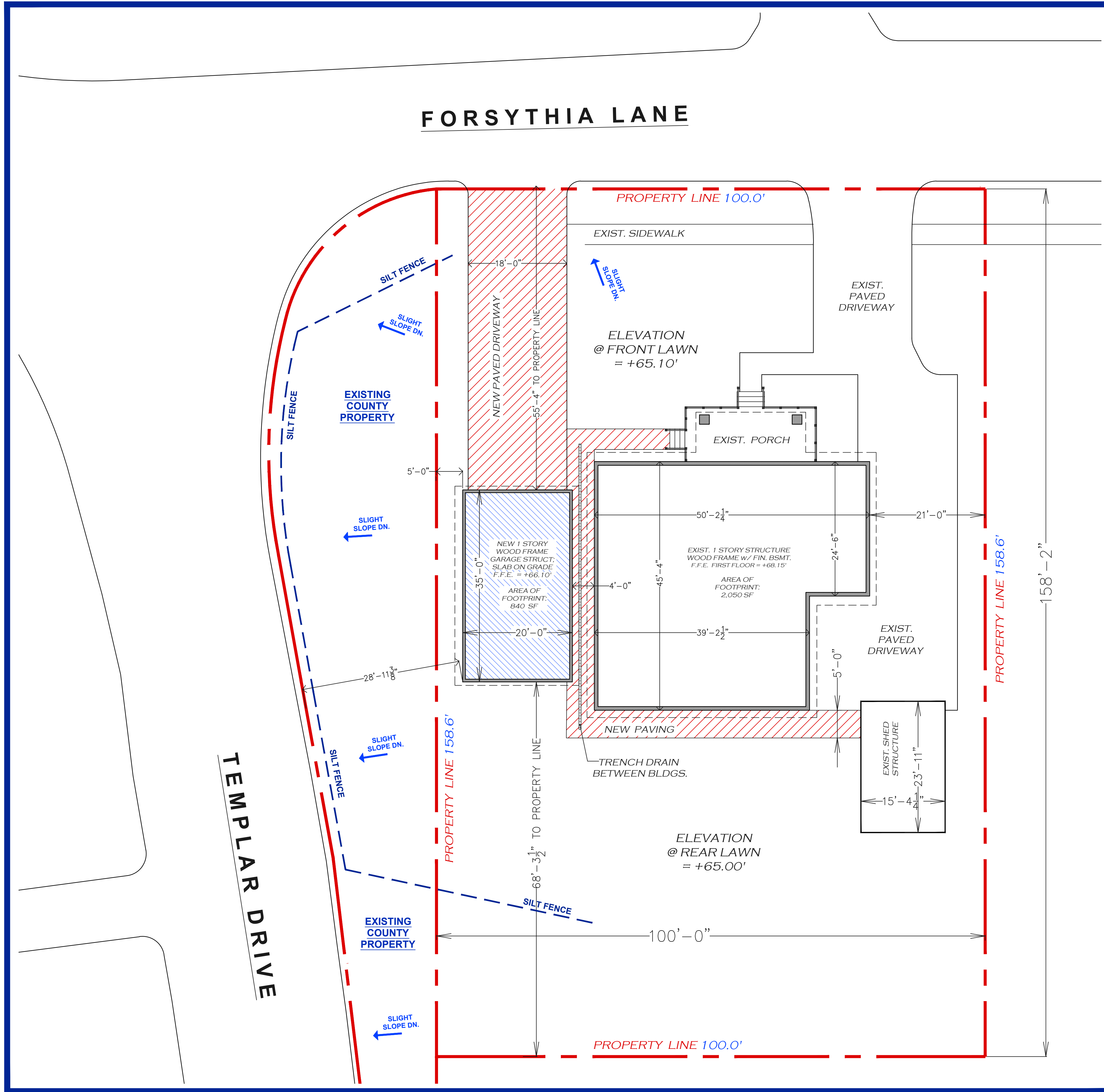
The variances may alter the essential character of the neighborhood, as a 35-foot deep garage located so close to the corner side lot line may negatively impact the streetscape along Temple Drive. The variance would not substantially impair the appropriate use or development of adjacent property, as the garage would exceed the required setbacks from both adjacent properties. With regard to public welfare, the location of the new driveway so close to the intersection of Forsythia Lane and Temple Drive may cause safety issues for vehicular and pedestrian traffic. In addition, neighbors have expressed concerns over the location of the proposed garage so close to the right-of-way, as it may inhibit visibility around the corner resulting in an unsafe intersection and nearby school bus stop.

The 700 square foot garage exceeds the size of a standard two-car residential garage, and the 2023 aerials show that there are already a total of four storage structures on the lot. The applicants have not sufficiently demonstrated that the variance could not be minimized or eliminated. Therefore, the variance is not considered to be the minimum necessary to afford relief and cannot be supported.

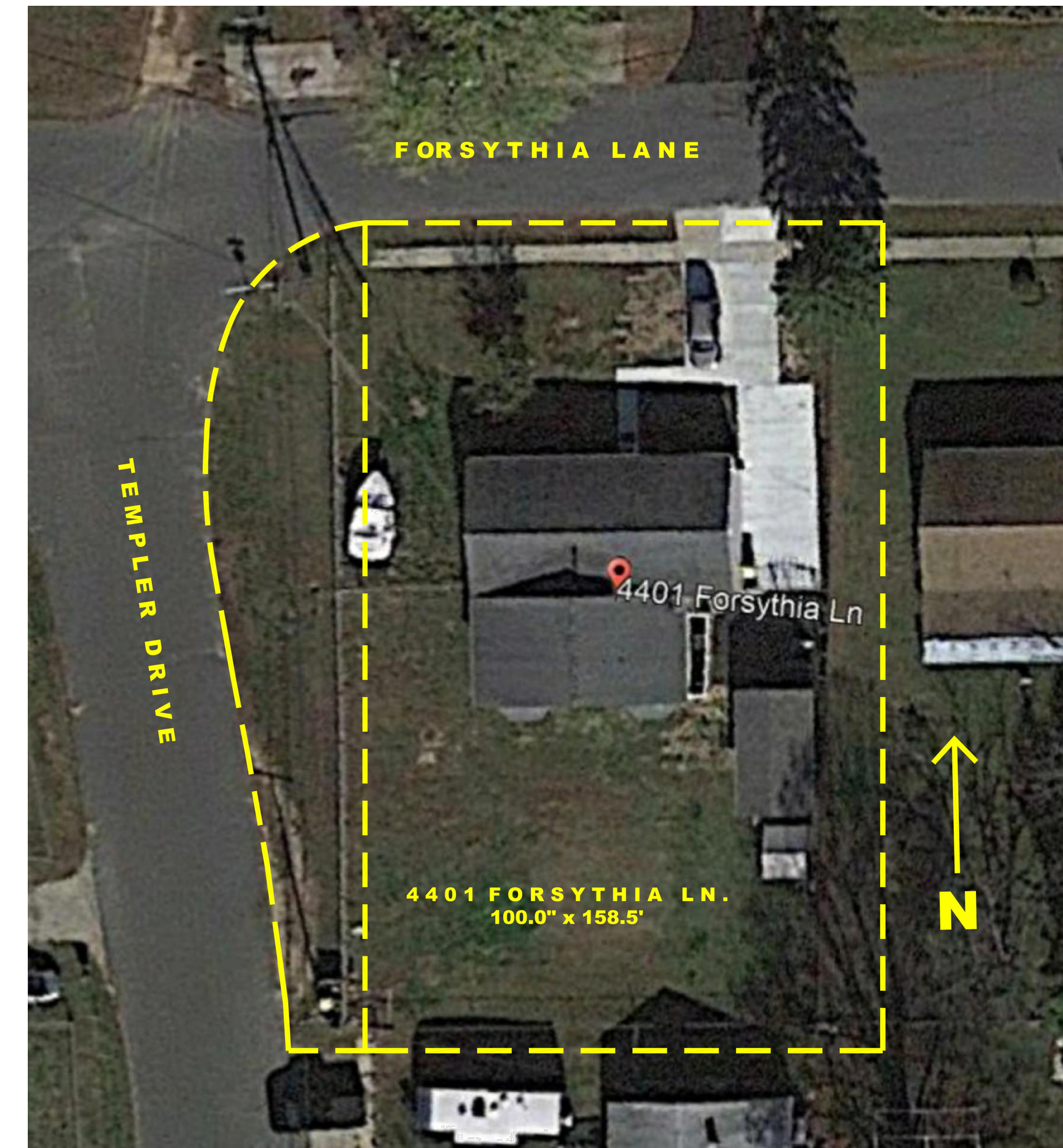
### **RECOMMENDATION**

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 § 18-4-601.

**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** SITE PHOTO  
1" = 10' - 0"



**2** SITE PLAN  
N.T.S.

DRAWINGS PREPARED FOR OWNER BY:  
mpetersstudio@yahoo.com

**SITE PLAN**

**DETACHED GARAGE**  
**4401 FORSYTHIA LN.**  
**PASADENA, MD (ANNE ARUNDEL COUNTY)**

OWNER:

100%  
CONSTRUCTION  
DOCUMENT PKG.

Project Number:  
**20.0167**  
Issue Date:  
**JAN. 19, 2023**  
Scale:  
As Indicated

**A-1**

PERMIT SUBMISSION

Property Information:

Owners: Burnett and Mindy Fleetwood  
4401 Forsythia Lane  
Pasadena, Md 21122

Permit Number: B02415351

We started this process of getting a detached garage built quite some time ago, and it has been a complicated process, so far. We paid for the land surveyor and an architect to research and prepare the proper paperwork required, so there would be no misunderstandings. We made any and all of the changes during the permitting process to receive approval. We even asked to purchase the county owned land just outside our property line of our corner home. We received approval to build and followed all the rules. We even passed the footer inspection. Then we were told that we can't build after receiving approval. So, we've made the required changes, and are asking for 2 foot variance. Please accept this request for variance and I am happy to supply any other information needed or answer any questions. I look forward to hearing from you soon and thank you for your time and consideration.

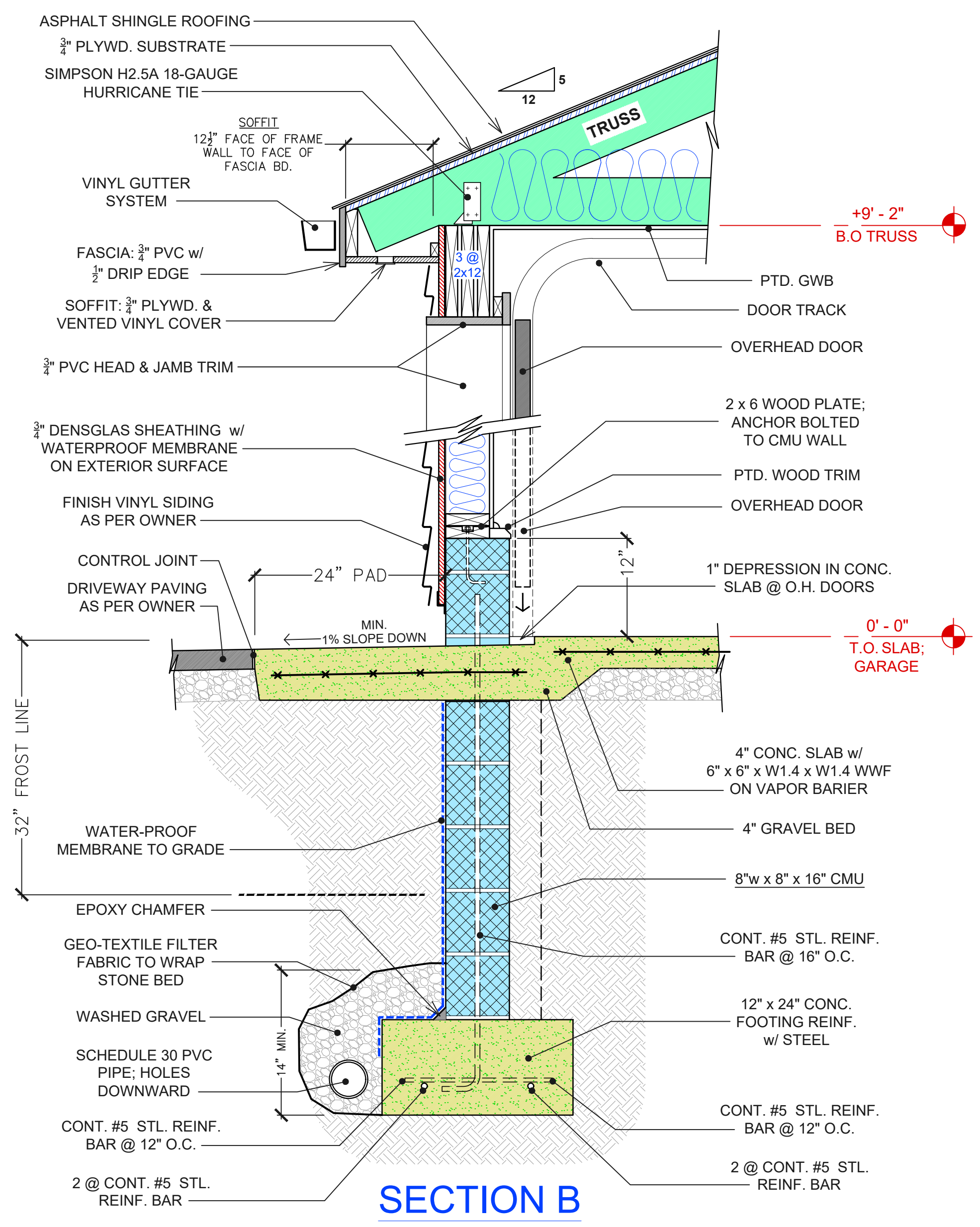
Best Regards,

Burnett Fleetwood  
443-891-3027

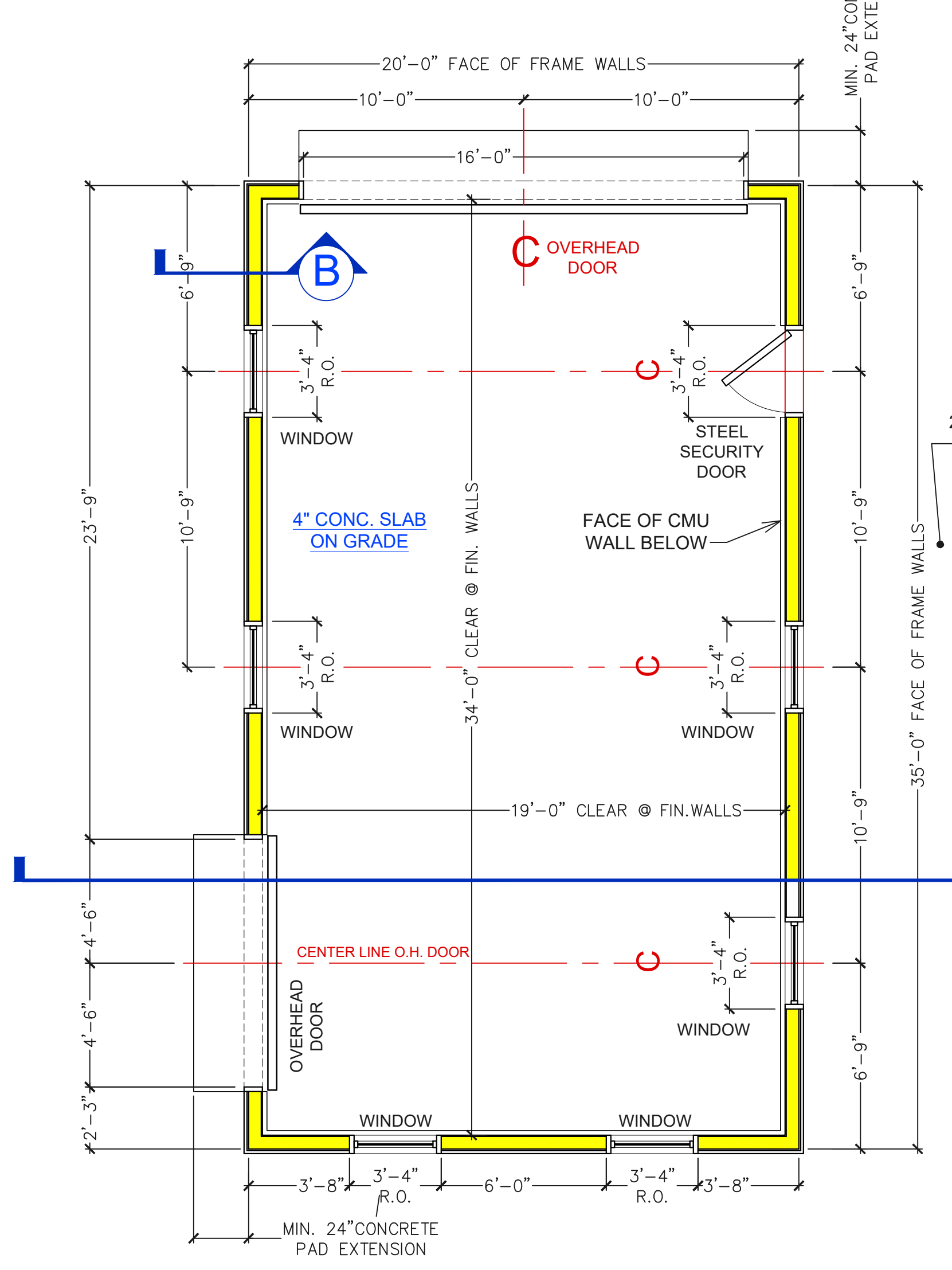
**SITE PLAN**

**DETACHED GARAGE**  
**4401 FORCYTHIA LN.**  
**PASADENA, MD (ANNE ARUNDEL COUNTY)**

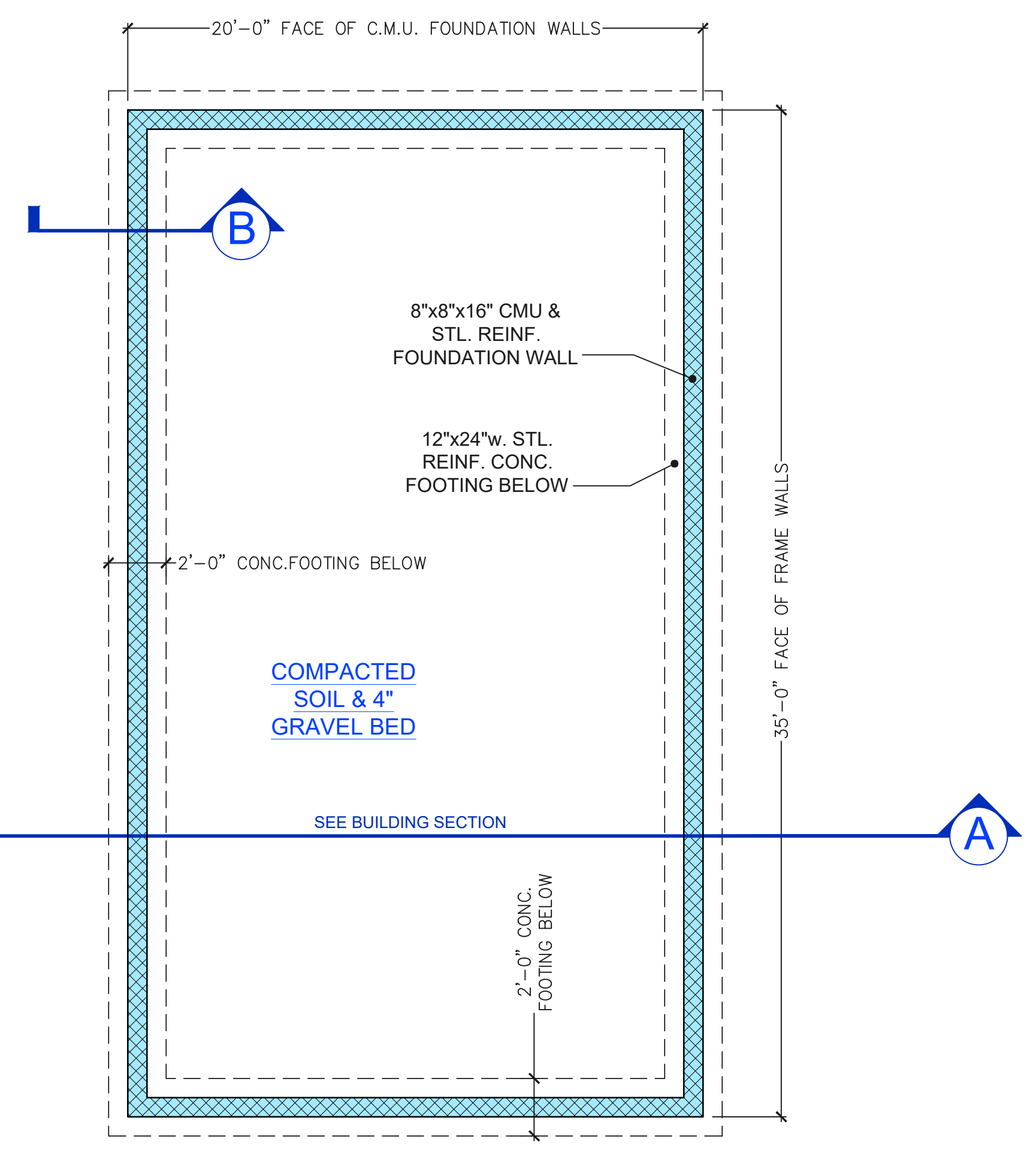
OWNER:  
 100% CONSTRUCTION DOCUMENT PKG.  
 Project Number: 20.0167  
 Issue Date: JAN. 19, 2023  
 Scale: As Indicated  
**A-3**  
 PERMIT SUBMISSION



**1** WALL SECTION  
 1" = 1' - 0"

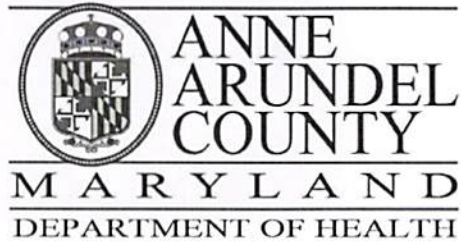


**2** WALL FRAMING PLAN  
 1/4" = 1' - 0"



**3** FOUNDATION PLAN  
 1/4" = 1' - 0"

**REVISED PLAN (16' GARAGE DOOR) 5-28-23**  
**L V L LINTEL @ NEW 16' DOOR SHALL BE**  
**DESIGNED & SPECIFIED BY MANUFACTURER;**  
**CERT. ENG.'s DOCUMENT SUBMITTED UNDER**  
**SEPERATE COVER**




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: Sumner Handy, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager   
Bureau of Environmental Health

DATE: 8/31/2023

RE: Mindy M. & Burnett E. Fleetwood III  
4401 Forsythia Lane  
Pasadena, MD 21122

CASE  
NUMBER: 2023-0137-V

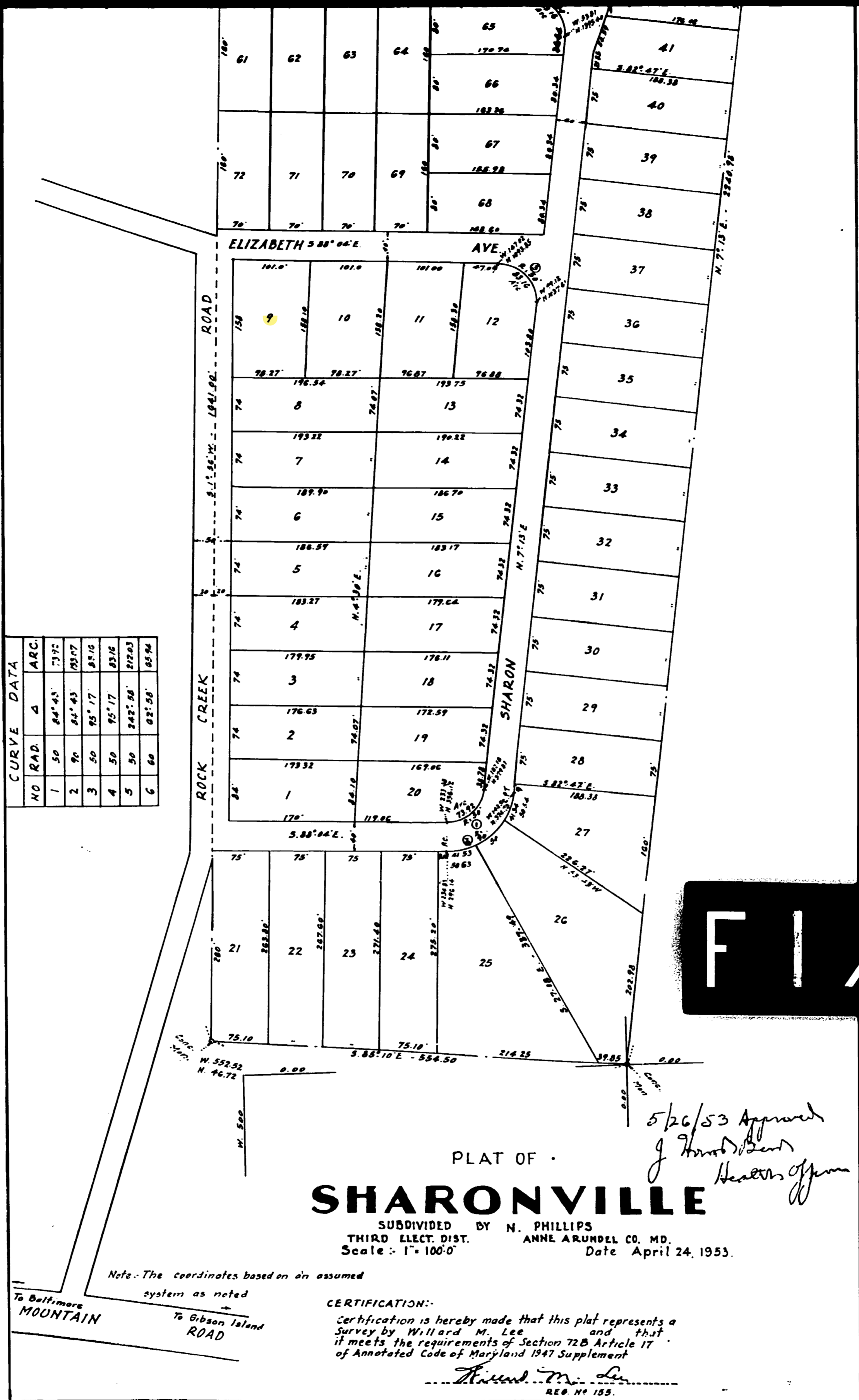
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request demo existing dwelling and construct a new single family dwelling with multiple zoning and critical area variances. The Health Department offers the following comments:

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 Jasmine Baldwin at 410-222-1348.

cc: Sterling Seay



**F 1 / 2**

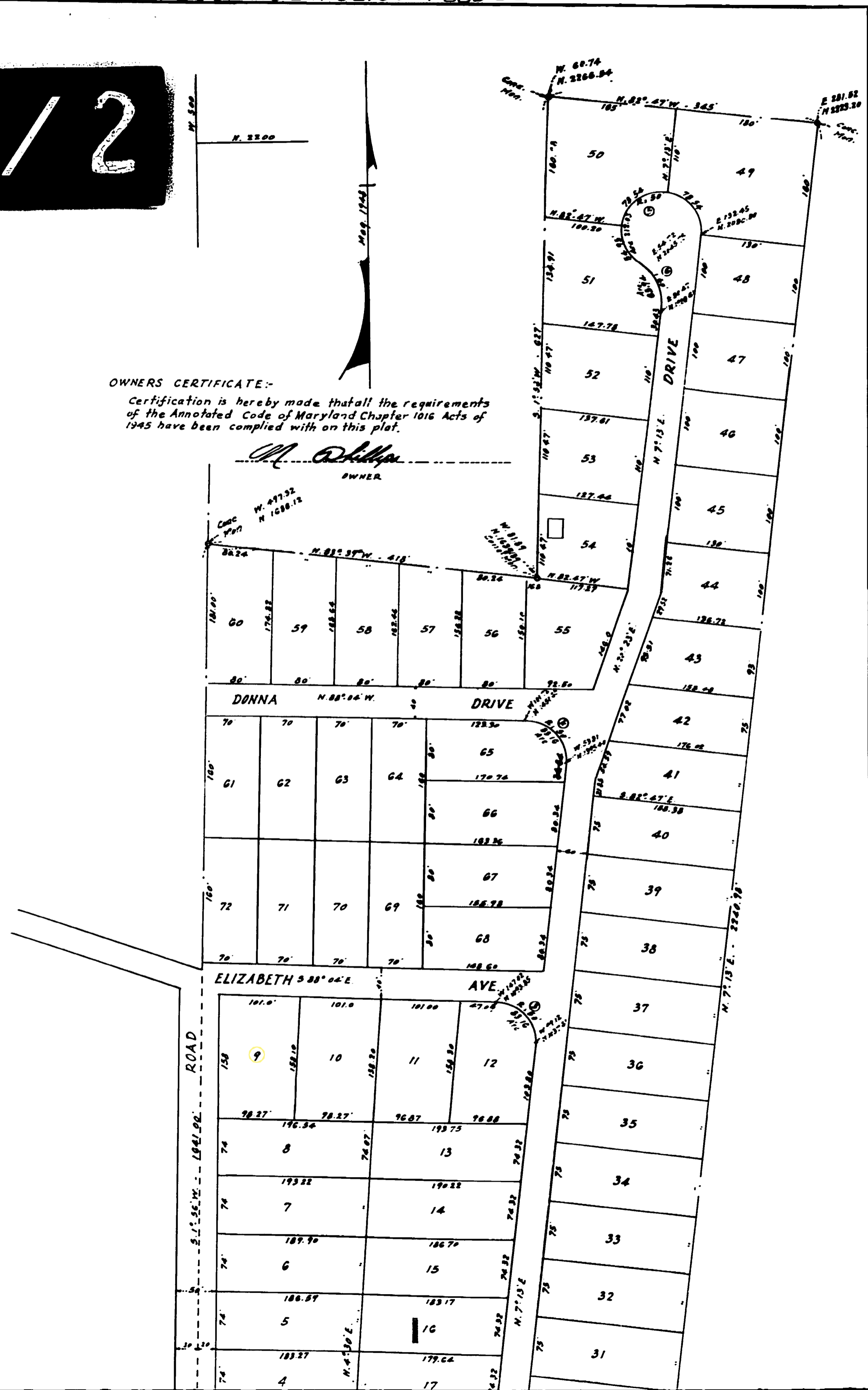


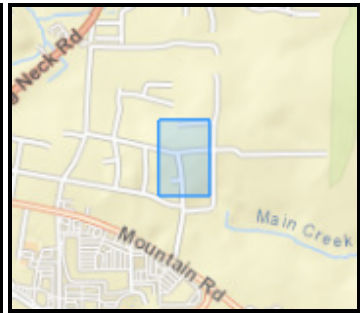
F 2 / 2

OWNERS CERTIFICATE:-

Certification is hereby made that all the requirements of the Annotated Code of Maryland Chapter 1016 Acts of 1945 have been complied with on this plat.

*M. Phillip*  
OWNER





Legend

Foundation

Parcels



Parcels - Annapolis City



0 150 300 ft

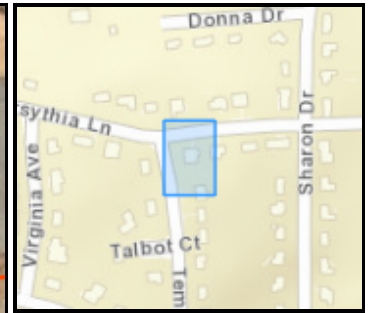
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

DO NOT USE FOR NAVIGATION.

Nearmap



Notes



Legend

Foundation

Parcels



Parcels - Annapolis City



0 35 70 ft

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.

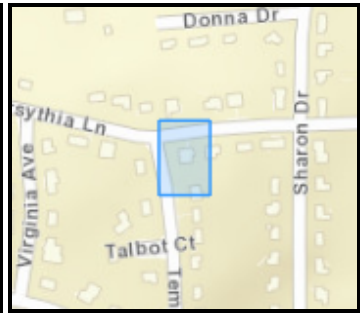
DO NOT USE FOR NAVIGATION.

Nearmap



Notes

# 2023-0137-V - October 2023 detail



## Legend

Foundation

Parcels



Parcels - Annapolis City



0 35 70  
ft

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.

DO NOT USE FOR NAVIGATION.

Nearmap



## Notes