

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

**APPLICANTS:** Charles & Regina Hawkins

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0019-V

**COUNCILMANIC DISTRICT:** 3

**HEARING DATE:** April 9, 2024

**PREPARED BY:** Joan A. Jenkins  
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 8081 Armiger Drive in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has an area of approximately 13,827 square feet<sup>1</sup> and is located with 90 feet of road frontage on the east side of Armiger Drive, north of 229th Street. The site is Lot 3 on Tax Map 17, Block 14, as Parcel 139 in the Childress Property subdivision.

This property has been zoned R2-Residential District since the adoption of Comprehensive Zoning for the Third Council District, effective January 29, 2012. The property is currently improved with a two-story single-family detached dwelling and a detached carport. The property is served by public water and sewer service.

**PROPOSAL**

The applicants seek to construct an L-shaped detached garage (24 feet-8 inches wide by 36 feet deep by approximately 21 feet - 8-<sup>5</sup>/<sub>8</sub> inches high) six feet from the existing dwelling.<sup>2</sup>

**REQUESTED VARIANCE**

§18-4-601 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 proposed garage will be four feet from the north side lot line requiring a variance of three feet.

**FINDINGS**

This Office notes that the property does meet the width requirement for the R2 District (80 ft minimum width required, 90 ft provided) but does meet the minimum area requirement (15,000

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<sup>1</sup> The site plan incorrectly shows the lot area as 3.24 acres

<sup>2</sup> The structure should be labeled “garage” and not “addition” for any permit site plans.

sq ft required, 13,827 sq ft provided) for a lot in the R2 District with public sewer. According to State Tax Assessment Records the house was built in 1944. This is a developed lot, however, there is ample room on the lot to locate a detached garage with three feet between the dwelling and the garage and seven feet from the side lot line within the confines of the Code thus not requiring a variance.

The applicants write that the need for the garage arises from the desire to shelter vehicles, store tools and equipment, and DIY projects such as woodworking and hobbies. They write that the property will be enhanced by the garage as it will be designed to complement existing structures and contribute positively to the neighborhood landscape.

A review of the County aerial photograph from 2023 and a stroll through the neighborhood via Google Street View shows houses on both sides of Armiger Dr on similar-sized lots. 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. There were no garages found next to any houses in the side yards. The subdivision plat of the Childress Property recorded in 2015 shows the house and garage to remain on Lot 3, the subject lot. There are no dimensions of the structures or distances from lot lines shown on the subdivision plan.

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, but also because this proposed garage is essentially a replacement of the longstanding carport in much the same area. Approval of the variance will not impair the appropriate use or development of the adjacent property considering there has been a structure in this location for a long time as evidenced by the subdivision plat. 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 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 undersized for the zoning district, the size of the lot is not contributing to the need for a variance.

The existing carport is separated from the house six feet just as is the proposed garage, but the carport is narrower than the proposed garage and is located six feet from the side lot line. The existing carport does not meet setbacks, but could be rebuilt in-kind without a variance. The proposed garage is slightly larger than the width of a typical two-car garage of 24 feet and of course, most any proposal could be made smaller. If the garage were proposed smaller and/or a bit closer to the house then a variance would be unnecessary. Because the variance is

unwarranted and unnecessary 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.

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.



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 *BC*  
Bureau of Environmental Health

DATE: February 7, 2024

RE: Charles Brannon Hawkins III  
8081 Armiger Drive  
Pasadena, MD 21122

NUMBER: 2024-0019-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (garage) 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.

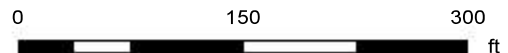
If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



**Legend**

- Foundation
- Addressing
- 
- Parcels
- ▭
- Parcels - Annapolis City
- ▭



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**Notes**