

January 30, 2024

To whom it may concern:

We are writing in support of the variance we are seeking to maintain the shed structure we rebuilt on our property at 1208 Griner Lane in Shady Side, MD. The zoning variance is in regard to increased lot coverage in a buffer zone.

Please see **Exhibit A** to this letter for the factors relevant to this application that demonstrate compliance with § 18-16-305 relating to Variances.

Our reason for seeking this variance is we have a hardship caused by an irregular lot that has a street going through the middle of the property which greatly reduces the buildable area of the lot. In addition, there is precedent for this structure with each of the adjoining properties. The property sits on Wagners Point in Shady Side; there are three other properties on the Point. Every other property on Wagners Point has a structure that is larger than the one we reconstructed and each of them sit within the buffer zone. Please see attached pictures at **Exhibit C**.

After constructing the structure and an adjoining deck we were informed that it is sitting in a buffer area on the property and that we needed to seek a variance to build it in the manner we did, among other permitting concerns. We have sought permits for the trades-related work and this letter is purely in relation to the variance to maintain the structure in the size it was reconstructed in the buffer and no other matters.

The reason we believe we should be able to maintain the structure is that we sought guidance on the Anne Arundel County permitting website in advance of commencing the reconstruction project.

On the "Do I Need a Permit" page it states:

Shed (Detached)

A simple, one level roofed structure used for outside storage that is not attached to the primary structure. Sheds measuring 15'x10' (150 square feet) do not require a building permit. Sheds greater than 150 square feet require a building permit before starting work. Electrical and plumbing permits may also be required.¹

We rebuilt an existing shed slightly larger than its prior footprint but within the 15'x10' threshold noted above. The website does not include any caveats specific to buffer zones. It mentions that other permits may be necessary, but nothing about limitations resulting from buffer or protected areas. Accordingly we relied upon this guidance when building the shed and it would be very detrimental to now retrofit the shed in some Please see **Exhibit B** which reflects the webpage referenced.

manner to fit within whatever parameters link to that limitation as it is complete. It may be beneficial for the county to clarify this further limitation for future residents who seek guidance on this point if it intends to apply this additional limitation.

We are willing to remove the attached deck as we recognize this is additional covered property on the buffer zone and it would not be detrimental to us to do so.

Sincerely,
Marc and Marguerite Laurent

§ 18-16-305 relating to Variances

(b) **Requirements for critical or bog protection area variances.** For a property located in the critical area or a bog protection area, a variance to the requirements of the County's critical area program or the bog protection program may be granted if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;

- **As noted within our letter, the lot size is particularly narrow and there is a road that runs through the middle of the lot which requires parking off of the road. The shed was reconstructed in its original position which is the only spot on the property to locate a storage structure.**

(2) (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or

- **As noted within our letter, each of the properties in the immediate area have a structure that is larger than the structure we reconstructed. This is the only storage on the property which is necessary in light of the close proximity to the water and the necessary storage for the equipment necessary to maintain and enjoy the property.**

(ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;

(3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

- **As noted within our letter, the structure is smaller than similar structures in the area that are also within the critical area. Accordingly, this does not appear to be a special privilege relative to neighboring properties.**

(4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

- **As noted, we relied upon a county website for guidance and were unaware of this condition.**

(5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

- **We have not encroached on the coastal area of the property in any way. The area that was covered with the reconstructed shed was previously covered by grass and part of the property lawn. Accordingly, the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.**

(6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § [17-9-208](#) of this Code;

- MARC – please add, is this applicable to us – here is the provision:
- (a) **Development allowed if requirements met.** Development is allowed in the contributing drainage area if the requirements of this section are met.
- (b) **Stormwater management.** All development within the contributing drainage area shall comply with the following storm water requirements.
 - (1) Nonstructural storm water management practices, such as infiltration and retention of forest, wetlands and associated buffers, undisturbed floodplains, open space, and slopes of 15% or greater, shall be used to the extent practical.
 - (2) Structural storm water management shall be used only when use of nonstructural storm water management practices is not practical.
 - (3) Runoff shall be managed in a manner that does not permit direct discharge of storm water into a bog, contributing stream, or 100-foot upland buffer.
- (c) **Impervious surface limitations.** Impervious surface on lots in existence on December 3, 2001 shall be limited to 15% of a lot unless one of the following exceptions applies.
 - (1) On a lot of one-half acre or less that existed on or before December 3, 2001, impervious surface may be increased to 25%.
 - (2) On a lot between one-half acre and one acre that existed on or before December 3, 2001, impervious surface on the lot shall be minimized and the total impervious surface may not exceed the greater of 15% or 5,445 square feet.
- (Bill No. 3-05; Bill No. 19-05)

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

- **The proposed variance for the reconstructed shed does not conform conflict with the general purpose and intent of the Maryland Natural Resources Code for the reasons identified in our letter including that the shed was only slightly increased in size, is smaller than similar buildings in the area, and was built upon grass lawn in the property and not coastal area.**

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § [18-16-201\(c\)](#).

- (c) **Requirements for all variances.** A variance may not be granted unless it is found that:

- (1) the variance is the minimum variance necessary to afford relief; and
 - **As noted in our letter, we are willing to remove the permanent deck that was built next to the shed. The variance is only requested the slightly increased size of the shed.**

- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - **As noted in our letter, there are larger buildings in the neighboring properties that serve this same purpose.**

 - (ii) substantially impair the appropriate use or development of adjacent property;
 - **The shed is in the same position as a prior building and does not impair the appropriate use or development of adjacent property.**

 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - **No forest area was impacted by the reconstructed shed.**

 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - **Only grass lawn was removed to reconstruct this shed; no coastal grasses were impacted by this project.**

 - (v) be detrimental to the public welfare.
 - **This is not applicable as it is a storage shed that has no bearing on the public welfare.**



← Permits

Do I need a Permit?

Permits (and sometimes plans) are required to ensure that your repairs, additions, or alterations are done according to the County Codes and other applicable codes and regulations.



Section Menu



Permits

Do I need a Permit?

Fire Protection System Permits

Grading Permits

Non Residential Permits

Residential Permits

Septic System Permits

Trade Permits



Project List

This information in the table below should be used as a guide to determine whether a permit may be required for projects you are seeking to begin.

Please Note: In addition to the required building permit, additional permits may be required depending on the scope of work

Search

Enter a project type or keyword

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Project Type

Residential Bulkhead

A seawall or riprap revetment constructed along shorelines to control beach erosion. Construction materials commonly used include wood pilings, commercially developed vinyl products, large boulders stacked to form a wall, or a seawall built of concrete or another hard substance.

Permits Required

- [Residential Accessory Structure](#)

Residential Demolition

The tearing-down of a residential building or other structure and related handling operations.

Project Type

Permits Required

- Residential Single Family Dwelling Per



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Residential Rip Rap

Rock or other material used to protect shorelines against damaging wave action and help prevent erosion.

Permits Required

- Residential Accessory Structure

Residential Solar

Solar cells are devices that convert light into electricity. A solar panel is a collection of solar cells. Solar panel installation requires a building and electrical permit before starting work.

Permits Required

- Residential Solar Permit

Retaining Wall

Engineered walls designed to stabilize soil, earth on steep or unstable slopes.

- Retaining walls under 24" high do not require a permit.
- Retaining walls 24"-48" high require a building permit with construction plans.
- Higher than 48" require plans be signed and sealed by a structural engineer.

Permits Required

- Residential Accessory Structure

Roof

Replacement of shingles only does not require a permit.
Replacement of plywood and shingles requires a building permit.
Replacement of trusses requires engineer stamped plans.

Permits Required

Project Type

- Residential Single Family Dwelling Pe



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Shed (Attached)

A simple, one level roofed structure used for outside storage that is attached to the primary structure. An attached shed is considered an addition and a building permit is required. Electrical and plumbing permits may also be required.

Permits Required

- Residential Single Family Dwelling Permit

Shed (Detached)

A simple, one level roofed structure used for outside storage that is not attached to the primary structure. Sheds measuring 15'x10' (150 square feet) do not require a building permit. Sheds greater than 150 square feet require a building permit before starting work. Electrical and plumbing permits may also be required.

Permits Required

- Residential Accessory Structure

Signs

Any writing, letter, or numeric work, pictorial presentation, illustration or decoration, emblem, device, symbol, trademark, flag, banner, pennant, or any other device, figure, or character utilized to advertise, announce, identify, or make known or attract attention. Portable, sandwich type, wind/revolving signs and signs that project or are attached to the roof of a structure are not permitted. A building permit is required for all other signs.

Permits Required

- Sign Permit

Single Family Dwelling Addition

Improving or increasing the square footage of an existing residential structure. Additions to any building or structure shall

Project Type

comply with building requirements of Cot
construction.



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MARYLAND

Permits Required

- Residential Single Family Dwelling Permit

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Departments

Government

News/Events

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For Employees

Closings/Cancellations

STAY CONNECTED



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[Accommodations Requests](#)

[Non-Discrimination Public Notices](#)

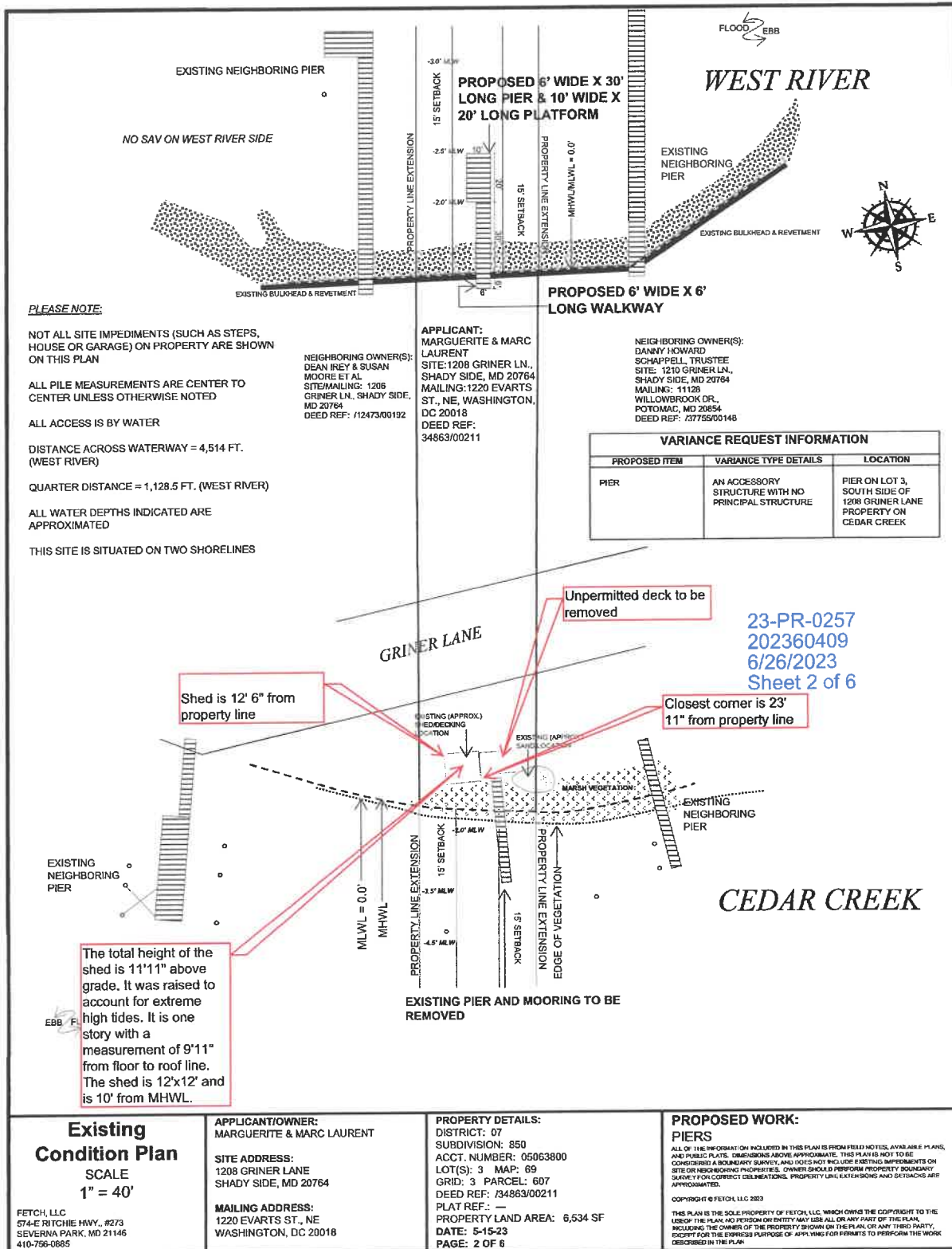
[Public Information Request](#)

[Social Media Policy](#)

[Website Terms](#)

Exhibit C





PLEASE NOTE:

NOT ALL SITE IMPEDIMENTS (SUCH AS STEPS, HOUSE OR GARAGE) ON PROPERTY ARE SHOWN ON THIS PLAN

ALL PILE MEASUREMENTS ARE CENTER TO CENTER UNLESS OTHERWISE NOTED

ALL ACCESS IS BY WATER

DISTANCE ACROSS WATERWAY = 4,514 FT. (WEST RIVER)

QUARTER DISTANCE = 1,128.5 FT. (WEST RIVER)

ALL WATER DEPTHS INDICATED ARE APPROXIMATED

THIS SITE IS SITUATED ON TWO SHORELINES

NEIGHBORING OWNER(S):
 DEAN IREY & SUSAN MOORE ET AL
 SITE: 1208 GRINER LN., SHADY SIDE, MD 20764
 MAILING: 1220 EVARTS ST., NE, WASHINGTON, DC 20018
 DEED REF: /12473/00192

APPLICANT:
 MARGUERITE & MARC LAURENT
 SITE: 1208 GRINER LN., SHADY SIDE, MD 20764
 MAILING: 1220 EVARTS ST., NE, WASHINGTON, DC 20018
 DEED REF: 34863/00211

NEIGHBORING OWNER(S):
 DANNY HOWARD SCHAPPELL TRUSTEE
 SITE: 1210 GRINER LN., SHADY SIDE, MD 20764
 MAILING: 11128 WILLOWBROOK DR., POTOMAC, MD 20854
 DEED REF: /37755/00148

VARIANCE REQUEST INFORMATION		
PROPOSED ITEM	VARIANCE TYPE DETAILS	LOCATION
PIER	AN ACCESSORY STRUCTURE WITH NO PRINCIPAL STRUCTURE	PIER ON LOT 3, SOUTH SIDE OF 1208 GRINER LANE PROPERTY ON CEDAR CREEK

Shed is 12' 6" from property line

Unpermitted deck to be removed

Closest corner is 23' 11" from property line

The total height of the shed is 11'11" above grade. It was raised to account for extreme high tides. It is one story with a measurement of 9'11" from floor to roof line. The shed is 12'x12' and is 10' from MHWL.

23-PR-0257
 202360409
 6/26/2023
 Sheet 2 of 6

Existing Condition Plan
 SCALE
 1" = 40'

FETCH, LLC
 574-E RITCHIE HWY., #273
 SEVERNA PARK, MD 21146
 410-756-0685

APPLICANT/OWNER:

MARGUERITE & MARC LAURENT

SITE ADDRESS:
 1208 GRINER LANE
 SHADY SIDE, MD 20764

MAILING ADDRESS:
 1220 EVARTS ST., NE
 WASHINGTON, DC 20018

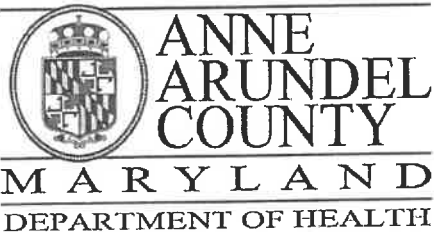
PROPERTY DETAILS:

DISTRICT: 07
 SUBDIVISION: 850
 ACCT. NUMBER: 05063800
 LOT(S): 3 MAP: 69
 GRID: 3 PARCEL: 607
 DEED REF: /34863/00211
 PLAT REF.: —
 PROPERTY LAND AREA: 6,534 SF
 DATE: 5-15-23
 PAGE: 2 OF 6

PROPOSED WORK:

PIERS
 ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AERIAL PHOTOS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPROVEMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT DELINEATIONS, PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.

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J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
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
Sanitary Engineering Program *BC*

DATE: April 5, 2024

CASE
NUMBER: 2024-0021-V
Marguerite Laurent
1208 Griner Lane
Shady Side, MD 20764

SUBJECT: Variance/Special Exception/Rezoning

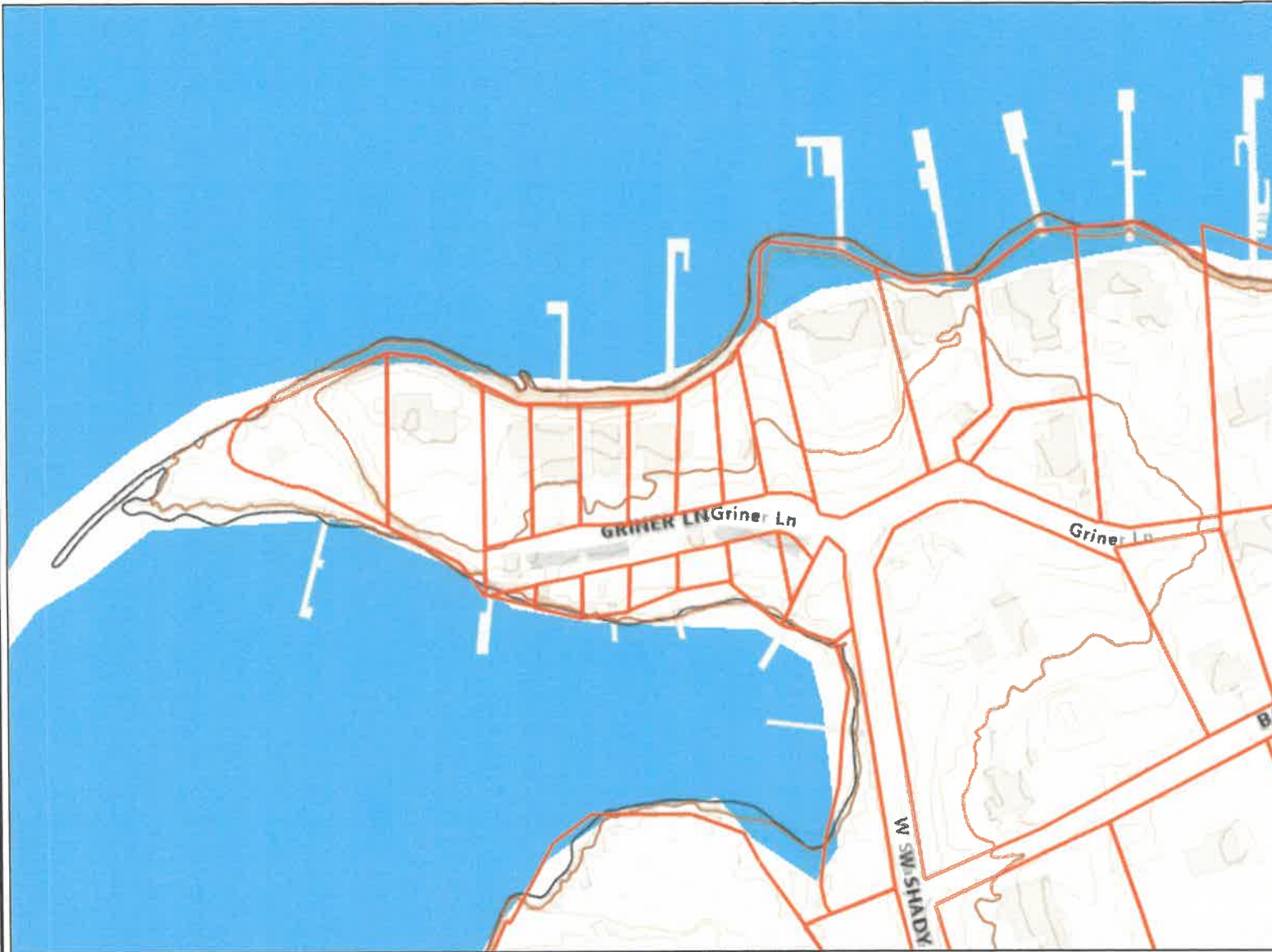
The Health Department has reviewed the above referenced variance request to perfect an accessory structure (shed) without a principal structure and with less setbacks and buffer than required. The Health Department offers the following comments:

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above reference request.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

Topographic Map - Lot outline ref only NOT exact



Legend

Foundation

Parcels



Elevation

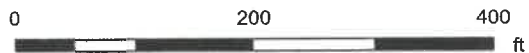
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Intermediate



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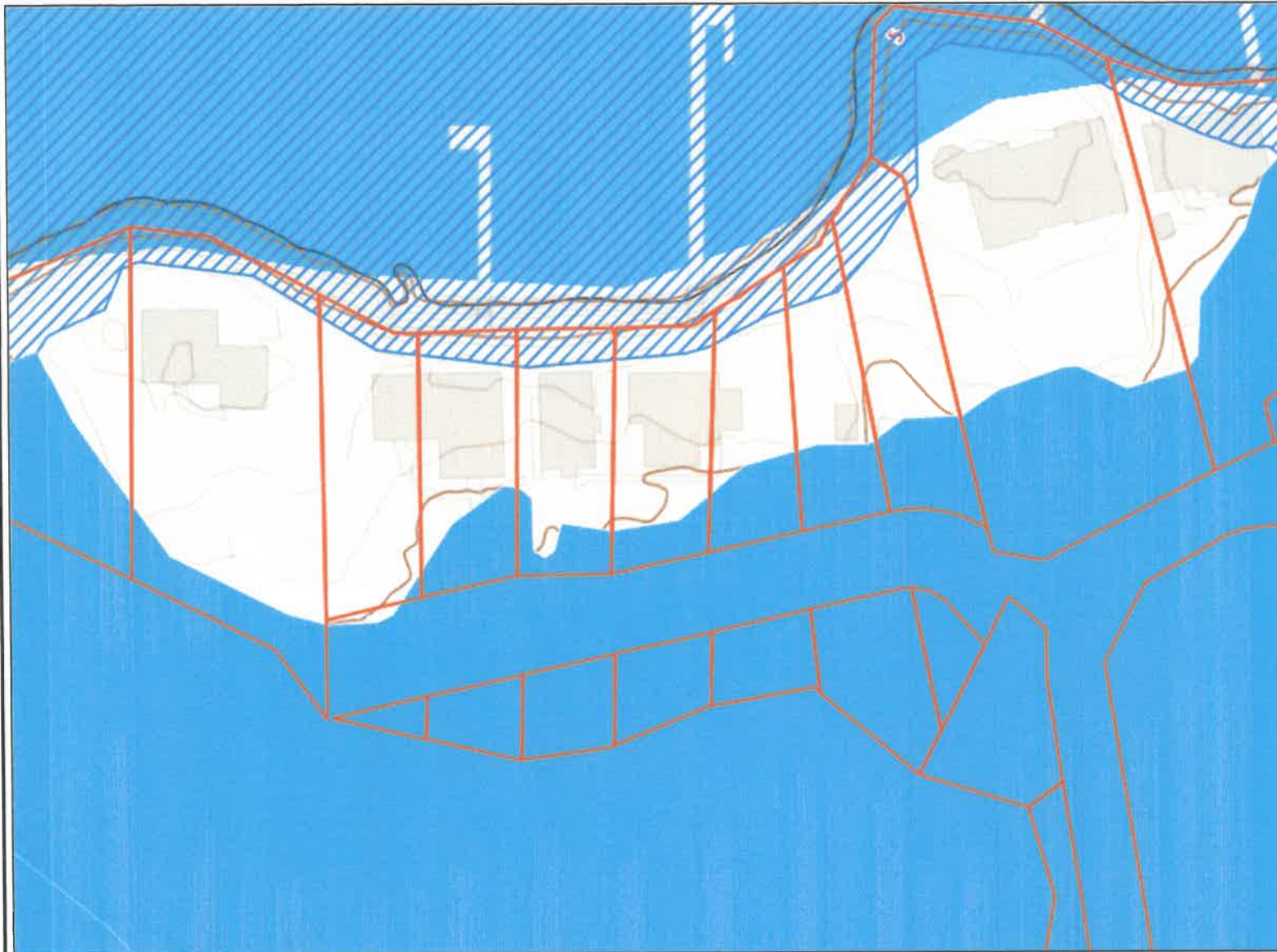
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Notes 1" = 200 ft Lot outline ref only NOT exact

FEMA - Unofficial - Lot outline ref only NOT exact



Legend

Foundation

Parcels



Planning

County Planning



Coastal High Hazard Area



Non-Tidal 100 Year Floodplain



Non-Tidal 500 Year Floodplain



Tidal 100 Year Floodplain

Elevation

Topo 2020



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Intermediate

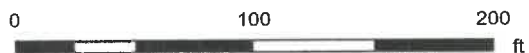
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Topographic Map - Lot outline ref only NOT exact



Legend

Foundation

Parcels



Elevation

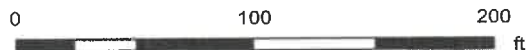
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2021 Aerial



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