

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

APPLICANT: William Lager III & Shannon Wade

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0127-V

COUNCIL DISTRICT: 5

HEARING DATE: September 10, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (pole barn) with less setbacks than required on property located at 1641 Colbert Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 21,780 square feet of land and is located southeast of the intersection of Colbert Road and an unnamed road. It is identified as Parcel 141 in Block 19 on Tax Map 41 in the Skidmore subdivision.

The property is zoned RA – Residential District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. The lot is located within the Chesapeake Bay Critical Area LDA - Limited Development Area. It is currently improved with a two-story single family detached dwelling, a shed, and other associated facilities.

PROPOSAL

The applicants propose to construct a pole barn (28' x 38', with a maximum height of 27.25').

REQUESTED VARIANCES

§ 18-4-301 of the Anne Arundel County Zoning Ordinance provides that an accessory structure in an RA District shall be set back a minimum of 15 feet from the side lot line.¹ The proposed pole barn would be located as close as 7 feet to the side lot line, necessitating a variance of 8 feet.

¹ § 18-1-101. Definitions. (68) “Height” when used in reference to a structure means the vertical distance from the average height of the highest roof surface for a structure with a roof or from the highest point of a structure without a roof to the grade plane. For purposes of this definition, “grade plane” means the average of the finished ground levels between the structure and a point six feet from the structure or, if the lot line is closer than six feet from the structure, the lot line.

The construction plans submitted under B02426877 (elevation sheet A2 attached to this report) demonstrate that the average height of the pole barn will be approximately 20.5 feet. Therefore, the setback requirements are not increased by one foot for each foot of height in excess of 25 feet.

FINDINGS

The subject property is irregularly shaped and undersized with regards to the minimum lot area of 40,000 square feet, and exceeds the 150 foot minimum lot width at the front building restriction line, which is currently required for new lots in an RA District. A review of the County's aerial photography shows an eclectic mix of lot sizes, structures and development in the area around the subject property.

The existing critical area lot coverage of the site is 4,148 square feet. The proposed post-construction lot coverage will be 5,068 square feet, which is well below the lot coverage allowed under §17-8-402 (31.25% or 6,806.25). The existing coverage by structures is 3,029 square feet. The proposed post-construction coverage by structures is 3,949 square feet, which is well below the 25% (5,445 square feet) maximum coverage by structures allowed under §18-4-301.

Building permit B02426877, to construct a pole barn with a portico, was submitted on June 5, 2024. Variance approval must be obtained prior to the permit being issued.

The applicants' letter explains that the location of the septic tank determined the location of the pole barn, and the angle of the side lot line created the need for variance relief.

Agency Comments

The **Health Department** has reviewed the on-site sewage disposal and well water supply system for the above referenced property, and has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. Their Department has no objection to the above referenced request, but noted that a Health Department variance is required for the pole barn not meeting the minimum separation of 30' to the water well.

The **Recreation and Parks Department** indicated that the proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

Variance Criteria

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot, or because of exceptional circumstances other than financial considerations, 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 applicant.

In this particular case, the property is unique, in that the lot is undersized, odd shaped, and the house was not constructed parallel to the lot lines. The area where an accessory structure may be placed on the site is limited by the location of the septic system in the northern half of the property and the location of the well in the southeastern corner of the property.

Even so, there appears to be ample space along the southern side of the house. The proposed pole barn itself creates practical difficulties as it may be oversized for the subject property. Reducing its dimensions would still result in a sizable pole barn, and/or shifting it closer to the house and

further from the road would reduce or eliminate the need for relief. The applicants have not provided justification to demonstrate that the pole barn could not be constructed in compliance with (or at least closer to) the minimum setbacks.

The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. With mitigation, the variance would not reduce forest cover in the limited development area of the critical area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

However, it appears that alternative options exist that would reduce or eliminate the need for a variance. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief.

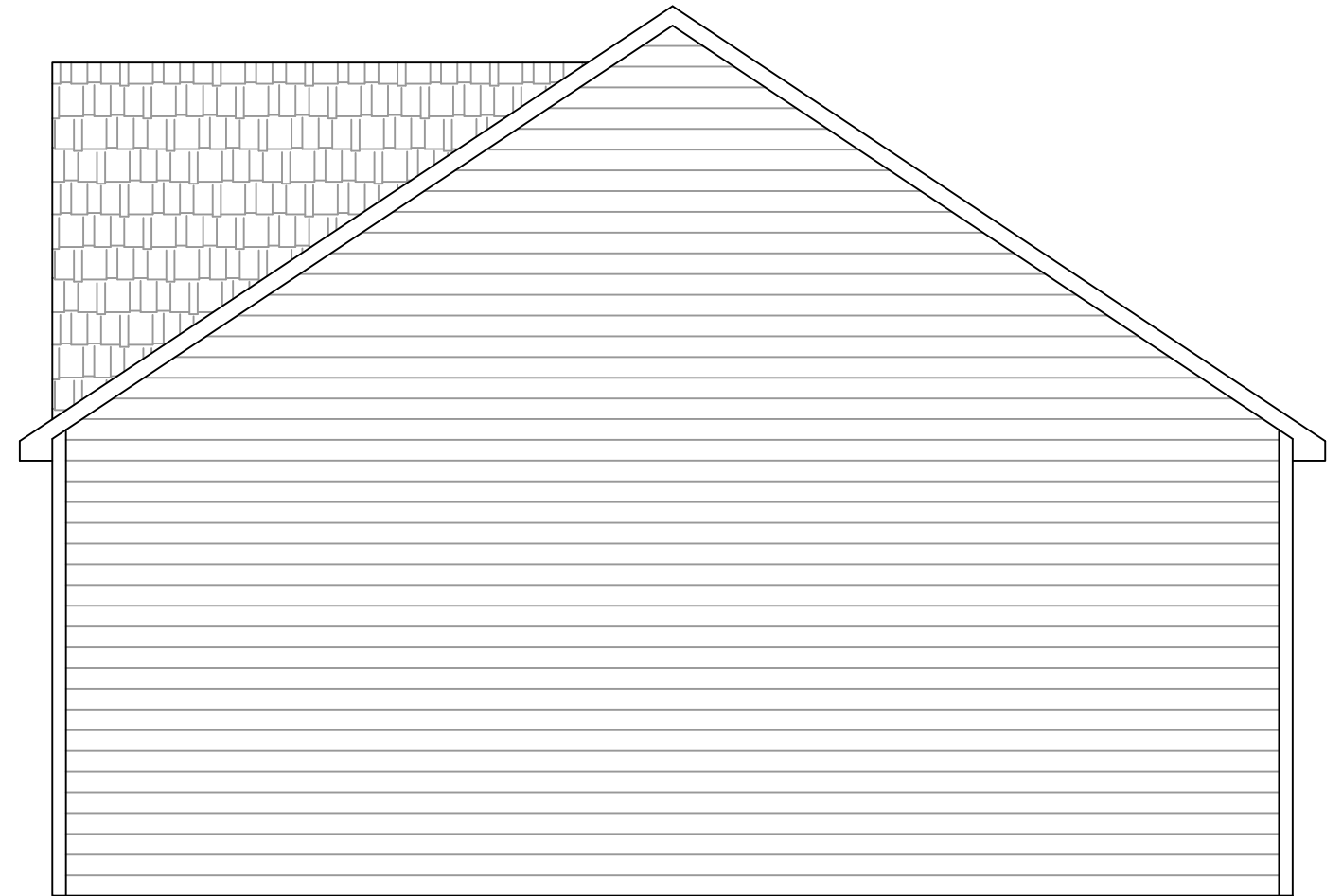
RECOMMENDATION

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 zoning variances to § 18-4-301 to allow an accessory structure with less setbacks than required.

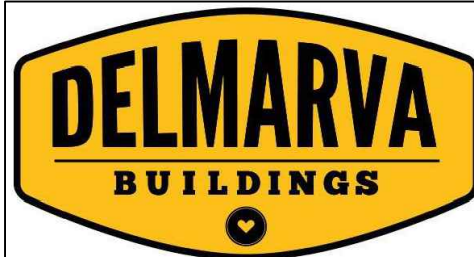
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.



GABLE ELEVATION



DELMARVA
 POLE BUILDING SUPPLY INC.
 317 N. LAYTON AVE
 WYOMING, DE 19934
 (302) 698-3636



Date:
05-09-2024

Technician:
J. Stubbs

Reviewed By:
J. Stubbs

Scale:

Date:

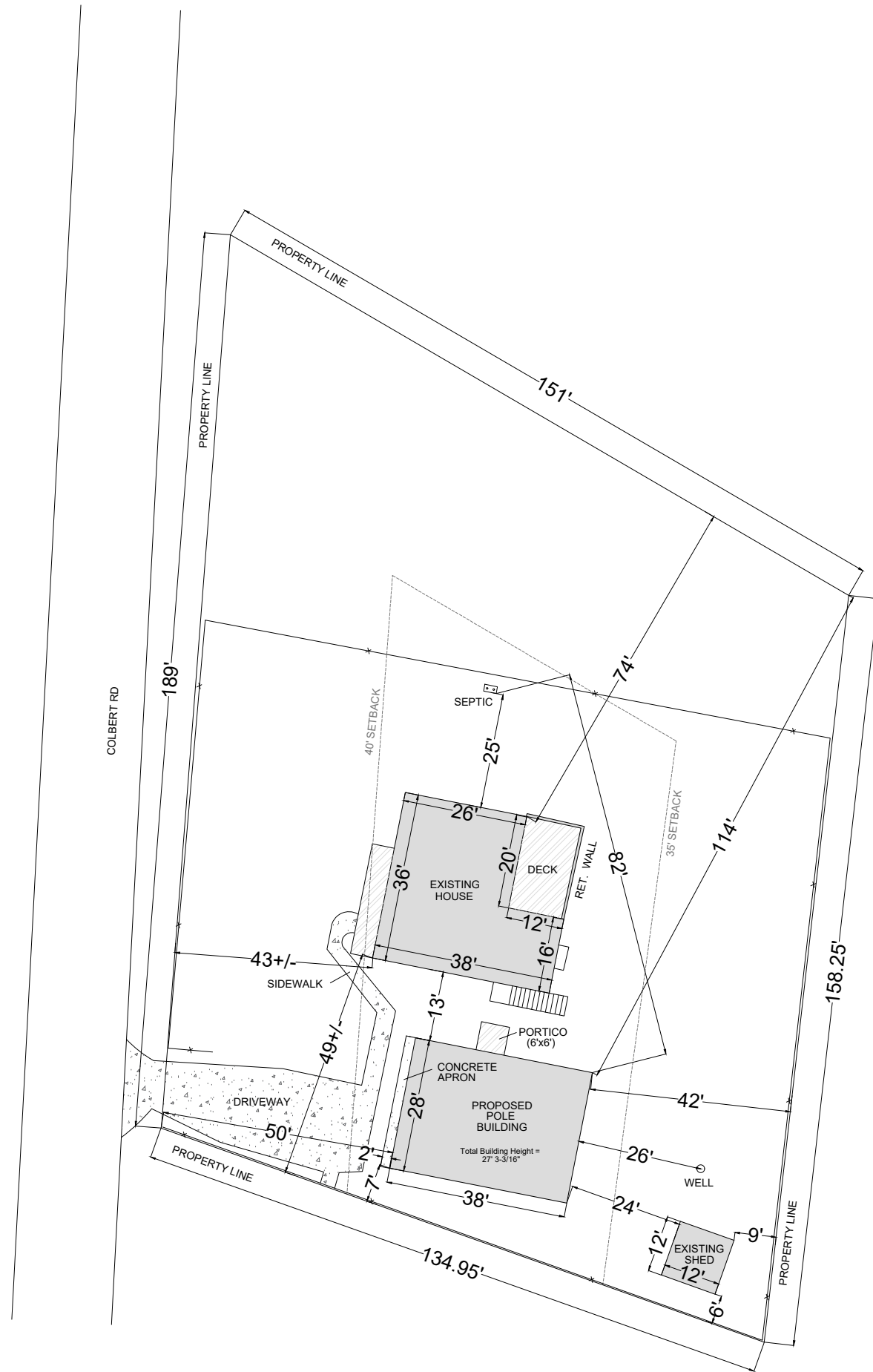
Modification:

BILL LAGER
 1641 COLBERT ROAD
 ANNAPOLIS, MD 21409

Sheet

A2

NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 11" x 17"



NOTES:

SITE PLAN

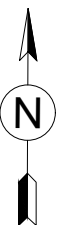
ADDRESS:
1641 COLBERT RD
ANNAPOLIS, MD 21409

PARCEL ID: 232564

LOT AREA: 0.44 ACRES

PLOT SIZE: 11" X 17"

DRAWING SCALE: 1"=30'



Pole Barn Variance Request

6/25/24

Anne Arundel County

Zoning Division Office of Planning and Zoning

2664 Riva Rd

3Rd Floor

Annapolis MD 21401

RE: 1641 Colbert Rd.

Annapolis MD 21409

Tax Map 41, Grid 19,

Parcel 141

Record: B02426877 To Whom it May Concern,

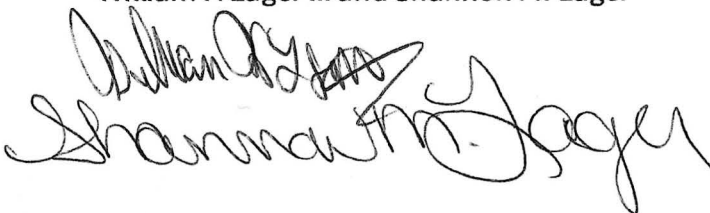
We the Lager's would like to request a variance on a Pole Barn to be built on our property.

We are looking for a side setback variance of 7ft. not 15ft. as stated in section 18-4-301 of AA County zoning code. The side setback yard is not straight it is angled. We are unable to use the other side of the property due to the placement of our septic tank. We chose the placement of this Pole Barn for the aesthetics. We hope to have a breezeway between the house and garage leading into the backyard. This would complement our property nicely.

We have already put a substantial amount of money down towards this project. If we are not granted permission for the requested size (28x38) and placement of the Pole Barn, we will lose a great deal of money.

Thank you for your time and consideration,

William H Lager III and Shannon M. Lager

Handwritten signatures of William H Lager III and Shannon M. Lager. The signature of Shannon M. Lager is written in a large, cursive script and is positioned below the signature of William H Lager III.

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 7/02/2024

Tax Map #	Parcel #	Block #	Lot #	Section
41	141	--	--	--

Tax ID: 30013732600

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) 1641 Colbert Rd ,Skidmore

Project location/Address 1641 Colbert Rd

City Annapolis Zip 21409

Local case number

Applicant: Last name Lager First name William

Company

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

28x38 pole barn

<table style="width:100%; border: none;"> <tr> <td style="width: 150px;">Intra-Family Transfer</td> <td style="text-align: center;">Yes <input type="checkbox"/></td> </tr> <tr> <td>Grandfathered Lot</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Intra-Family Transfer	Yes <input type="checkbox"/>	Grandfathered Lot	<input type="checkbox"/>	<table style="width:100%; border: none;"> <tr> <td style="width: 150px;">Growth Allocation</td> <td style="text-align: center;">Yes <input type="checkbox"/></td> </tr> <tr> <td>Buffer Exemption Area</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Growth Allocation	Yes <input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>
Intra-Family Transfer	Yes <input type="checkbox"/>								
Grandfathered Lot	<input type="checkbox"/>								
Growth Allocation	Yes <input type="checkbox"/>								
Buffer Exemption Area	<input type="checkbox"/>								

Project Type (check all that apply)

<table style="width:100%; border: none;"> <tr><td>Commercial</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Consistency Report</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Industrial</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Institutional</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Mixed Use</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Other</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	Commercial	<input type="checkbox"/>	Consistency Report	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Institutional	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>	Other	<input type="checkbox"/>	<table style="width:100%; border: none;"> <tr><td>Recreational</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Redevelopment</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Residential</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td>Shore Erosion Control</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Water-Dependent Facility</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	Recreational	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
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Residential	<input checked="" type="checkbox"/>																						
Shore Erosion Control	<input type="checkbox"/>																						
Water-Dependent Facility	<input type="checkbox"/>																						

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area	0		Total Disturbed Area		1064
LDA Area	.5	21780			
RCA Area	0		# of Lots Created		
Total Area	.5	21780			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		21780

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input checked="" type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

Variance paragraph for William H Lager III 1641 Colbert Rd Annapolis Md 21409 B02426877

- Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

*The purpose property is residential. The garage is to park cars in.

- Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs,

*There are five (5) predominantly sweet gum ball trees on the property=850 sq feet

*3-4ft square trees

*4 -49ft sq grasses

*2-44x12 =1056 mulched area

*6-2x2 bushes 24ft sq

*10 4x4 skip laurel bushes 40 ft sq

- how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.

* The pole barn is 28x38.with a 2-foot buffer

* Grass will be planted, landscaping around the garage.

- Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).

* a silt fence will be installed by the contractor

-

- Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.

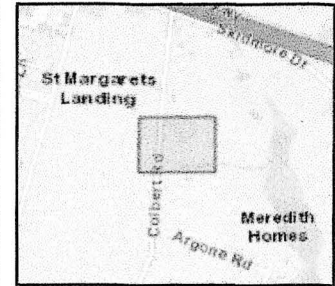
*impervious before =4148

*impervious after=5068

- If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance

*no hills or 15% grade on property

Topographic Map - lot outline is ref only NOT exact



Legend

Foundation

Parcels



Structure

County Structure



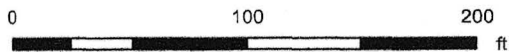
Elevation

Topo 2020

— Index

— Intermediate

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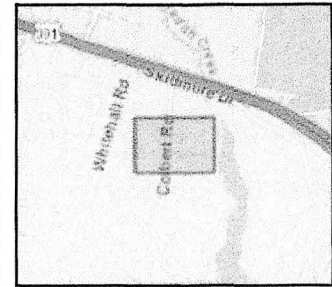
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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1" = 100' - lot outline is ref only NOT exact

Topographic Map - lot outline is ref only NOT exact



Legend

Foundation

Parcels



Structure

County Structure



Elevation

Topo 2020

Index

Intermediate

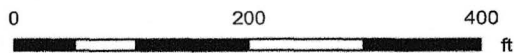


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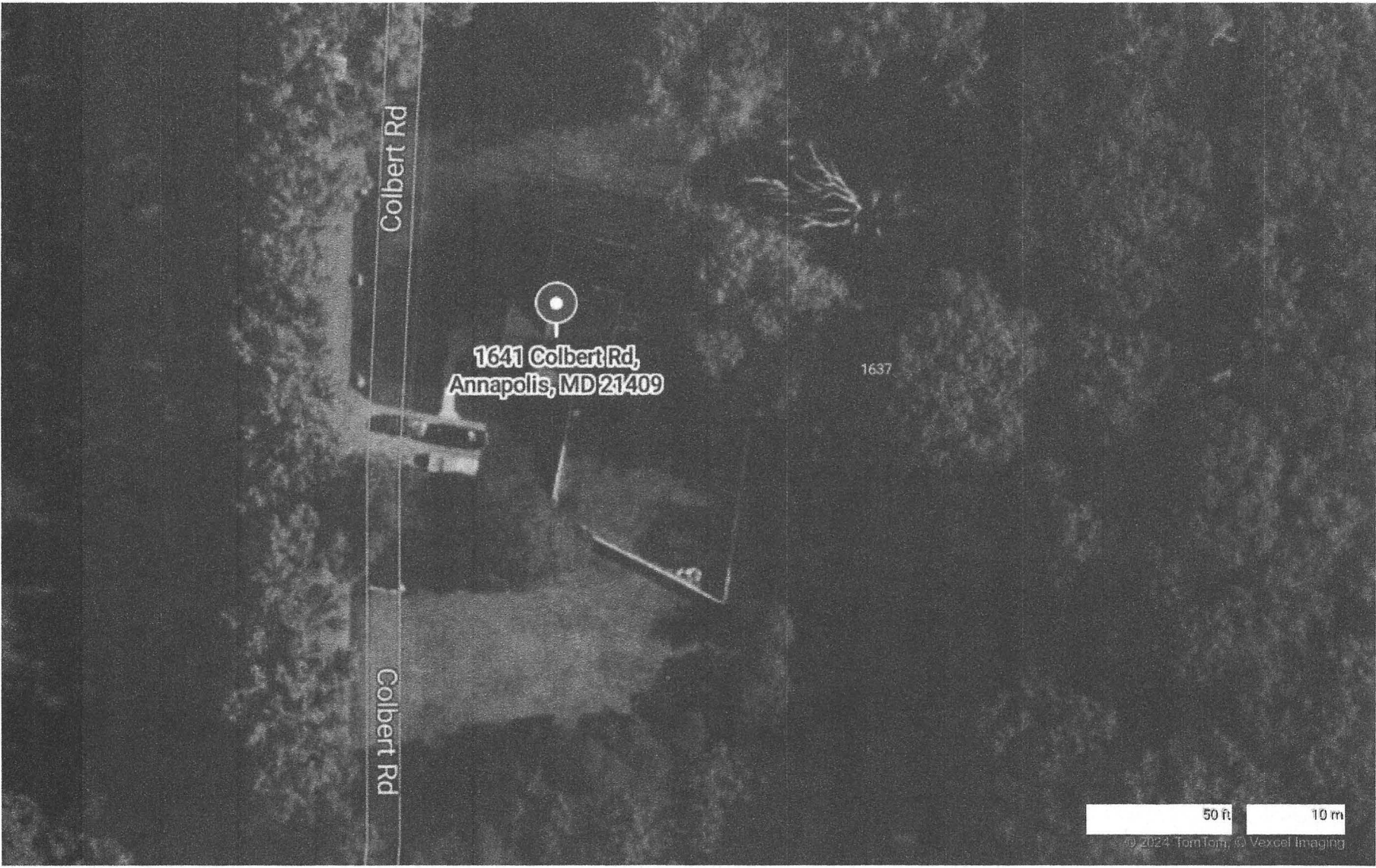
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GeoTechnologies, Inc, MBTI/NASA,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION



Notes 1" = 100' - lot outline is ref only NOT exact



Colbert Rd

Colbert Rd



1641 Colbert Rd,
Annapolis, MD 21409

1637

50 ft

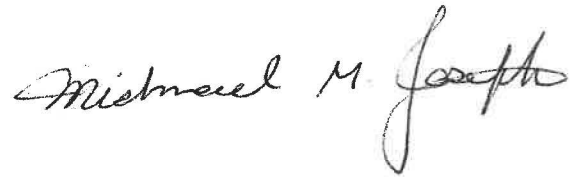
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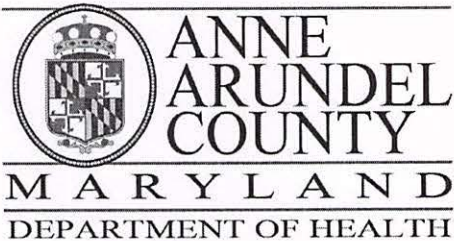
© 2024 TomTom, © Vexcel Imaging

To whom it may concern,

I, Mishmael Joseph, I am the neighbor, am in favor of William H Lager III, Shannon M Lager variance (section-18-4-301) of 7 feet from my side set back instead of 15 feet for a pole barn at 1641 Colbert Rd Annapolis Md.21409, permit # B02426877.

Thank you,

A handwritten signature in cursive script that reads "Mishmael M. Joseph". The signature is written in black ink and is centered on the page.



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", written over the printed name of Brian Chew.

DATE: July 12, 2024

RE: Shannon M. Wade
1641 Colbert Road
Annapolis, MD 21409

NUMBER: 2024-0127-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request. The Health Department will need a variance request for the pole barn not meeting the minimum separation of 30' to the water well.

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

cc: Sterling Seay



STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
A.ACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2024-0127-V

DATE: July 16, 2024

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to an Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

1641 Colbert Road (2024-0127-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 50 100
ft

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none



Notes