

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

APPLICANT: Timothy J. & Kelly A. Lutz

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0211-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: January 30, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow an accessory structure (detached garage) with greater height than allowed¹ on property located at 580 Brightwood Road in Millersville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 1.99 acres of land and is located with 230 feet of frontage on the north side of Brightwood Road. It is identified as Parcel 309 in Grid 12 on Tax Map 22. The property is zoned R2 – Residential District. It is currently improved with a single-family detached dwelling, an in-ground pool, and other associated facilities.

PROPOSAL

The applicant seeks approval to construct a detached garage, measuring 40' by 40', with a height of 20 feet, in the side yard to the east of the dwelling.

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Ordinance limits the height of an accessory structure in an R2 District to 25 feet or the height of the principal structure, whichever is less. The existing dwelling is 17'-3" (17.25') high; the proposed garage would measure 20' high, necessitating a variance of 2.75' to the maximum accessory structure height allowed.

FINDINGS

The subject site easily exceeds the minimum 80-foot width and 20,000 square foot area required for a lot not served by public sewer in an R5 District. The 2024 County aerial photograph shows an eclectic mix of dwellings, some single-story and some two-story, in this older community.

The **Health Department** commented that additional information is needed regarding the type and location of the water supply well and on-site sewage disposal system for the neighboring property at 578 Brightwood Road. No other comments were provided.

¹ The application was initially advertised for a setback variance as well. However, a review of the bulk regulations for development within an R2 District reveals that a setback variance is not required.

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 applicants' letter explains the exceptional circumstances leading to their need for a variance. The existing split foyer dwelling was built in 1980 and is modest in size. The nature of a split foyer is to have a lower level placed four feet into the ground. This style of house typically has a height lower than a standard two-story dwelling. The owners need storage for a recreational vehicle, other cars, and lawn equipment. The RV requires taller doors to allow access, necessitating a height of 20 feet which is 2.75 feet higher than the principal dwelling.

The variance would not alter the essential character of the neighborhood, as there is a mix of one-story and two-story structures located throughout the area. The variance would not impair the appropriate use or development of adjacent properties, as the structure would exceed the minimum setbacks required from all property lines. There is no evidence to show that the variance would be detrimental to the public welfare.

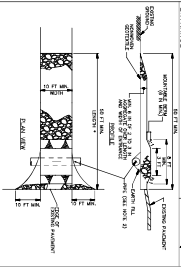
The purpose of the provisions limiting the size and height of accessory structures is to prevent an accessory structure from dominating the lot, and it does not appear that a mere 2.75 foot height variance would have a significant visual impact on the subject lot or on the neighboring lots. As such, the request for relief is justifiable, and the variance is considered to be the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the requested zoning variance to § 18-4-601 to allow an accessory structure (detached garage) with a height of 20 feet to be constructed 2.75 feet higher than the principal structure, in accordance with the site plan submitted by the applicants.

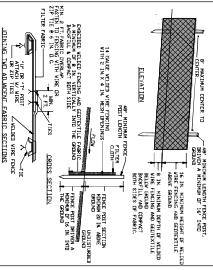
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This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

DETAIL #1 STABILIZED CONSTRUCTION ENTRANCE



CONSTRUCTION SPECIFICATIONS:
 1. The concrete shall be cast in place and shall be finished to a smooth surface.
 2. The concrete shall be reinforced with #4 rebar spaced at 12" on center.
 3. The concrete shall be cured for a minimum of 7 days before being subjected to traffic.
 4. The concrete shall be finished to a minimum thickness of 4" above the subgrade.
 5. The concrete shall be finished to a minimum thickness of 2" below the subgrade.
 6. The concrete shall be finished to a minimum thickness of 1" on either side of the subgrade.
 7. The concrete shall be finished to a minimum thickness of 1/2" on the top surface.
 8. The concrete shall be finished to a minimum thickness of 1/2" on the bottom surface.
 9. The concrete shall be finished to a minimum thickness of 1/2" on the left side.
 10. The concrete shall be finished to a minimum thickness of 1/2" on the right side.

REINFORCED SILT FENCE



CONSTRUCTION SPECIFICATIONS:
 1. The silt fence shall be constructed of 1/2" x 1/2" x 1/2" rebar.
 2. The silt fence shall be reinforced with #4 rebar spaced at 12" on center.
 3. The silt fence shall be finished to a minimum thickness of 4" above the subgrade.
 4. The silt fence shall be finished to a minimum thickness of 2" below the subgrade.
 5. The silt fence shall be finished to a minimum thickness of 1" on either side of the subgrade.
 6. The silt fence shall be finished to a minimum thickness of 1/2" on the top surface.
 7. The silt fence shall be finished to a minimum thickness of 1/2" on the bottom surface.
 8. The silt fence shall be finished to a minimum thickness of 1/2" on the left side.
 9. The silt fence shall be finished to a minimum thickness of 1/2" on the right side.

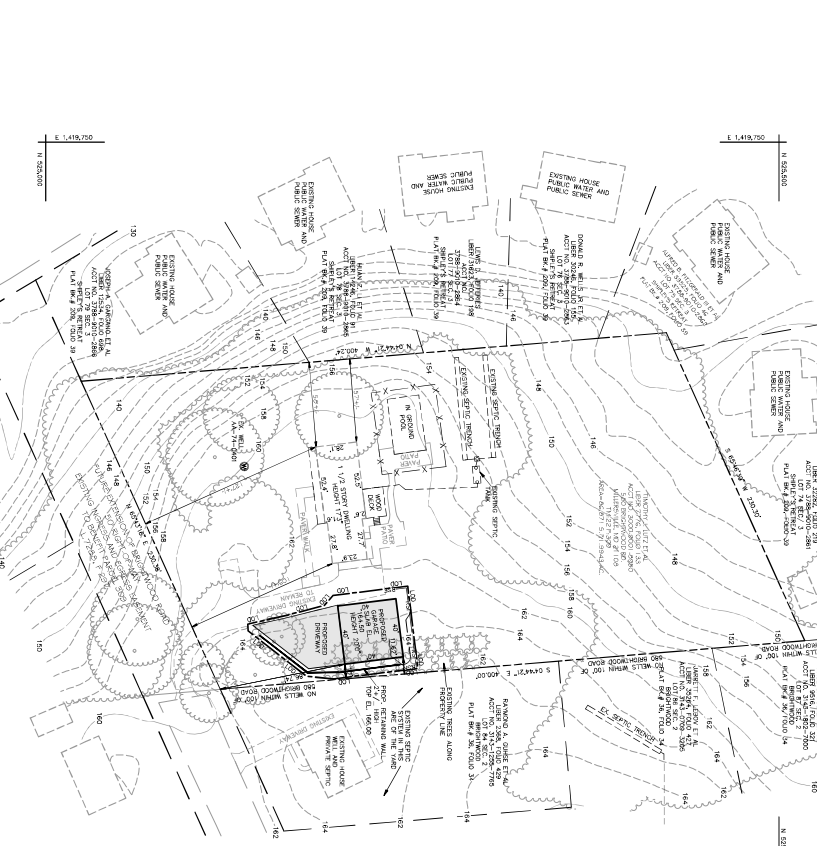
REINFORCED SILT FENCE

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE
1	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
2	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
3	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
4	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
5	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
6	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
7	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
8	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
9	REINFORCED SILT FENCE	100	LINEAL FEET	1.00
10	REINFORCED SILT FENCE	100	LINEAL FEET	1.00

OWNER, DEVELOPER AND APPLICANT INFORMATION
M.A.F. & ASSOCIATES, LLC
 580 BRIGHTWOOD ROAD
 MILLERSVILLE, MD 21108
 PHONE: 410-961-8589
 EMAIL: MAF@MAFMD.COM

DRIVEWAY CONSTRUCTION SECTION
 1. The driveway shall be constructed of 4" concrete on a 4" compacted subgrade.
 2. The driveway shall be finished to a minimum thickness of 4" above the subgrade.
 3. The driveway shall be finished to a minimum thickness of 2" below the subgrade.
 4. The driveway shall be finished to a minimum thickness of 1" on either side of the subgrade.
 5. The driveway shall be finished to a minimum thickness of 1/2" on the top surface.
 6. The driveway shall be finished to a minimum thickness of 1/2" on the bottom surface.
 7. The driveway shall be finished to a minimum thickness of 1/2" on the left side.
 8. The driveway shall be finished to a minimum thickness of 1/2" on the right side.

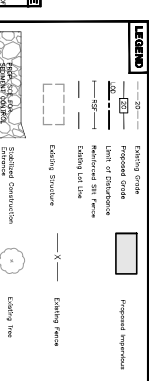
PROPOSED DEVELOPMENT CONCEPT PLAN
 SCALE 1"=40'



TEMPORARY AND PERMANENT CONSTRUCTION DISTURBANCES:
 1. The site shall be protected from erosion and sedimentation during construction.
 2. The site shall be protected from noise and vibration during construction.
 3. The site shall be protected from air pollution during construction.
 4. The site shall be protected from water pollution during construction.
 5. The site shall be protected from soil erosion during construction.
 6. The site shall be protected from soil compaction during construction.
 7. The site shall be protected from soil erosion during construction.
 8. The site shall be protected from soil compaction during construction.

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WET WEATHER DISTURBANCE/GRADING NOTE
 1. The site shall be protected from erosion and sedimentation during construction.
 2. The site shall be protected from noise and vibration during construction.
 3. The site shall be protected from air pollution during construction.
 4. The site shall be protected from water pollution during construction.
 5. The site shall be protected from soil erosion during construction.
 6. The site shall be protected from soil compaction during construction.
 7. The site shall be protected from soil erosion during construction.
 8. The site shall be protected from soil compaction during construction.



SITE DEVELOPMENT PLAN
LUTZ PROPERTY
 580 BRIGHTWOOD ROAD
 MILLERSVILLE, MD 21108
 TAX MAP 22, BLOCK 12, PARCEL 209, TAX ACCOUNT # 2000-901-8550, ZONING R2
 DATE: NOVEMBER 13, 2024
 ASSESSMENT DISTRICT: ANNE ARUNDINE COUNTY, MARYLAND
 SHEET 1 of 1

SITE AREA CALCULATIONS
 1. Total site area: 1.1418, 200
 2. Total proposed lot coverage: 0.1757, 11.4
 3. Total lot coverage after construction: 0.9661, 61.8
 4. Total site area: 1.1418, 200
 5. Total proposed lot coverage: 0.1757, 11.4
 6. Total lot coverage after construction: 0.9661, 61.8

SITE DATA
 PROPERTY ADDRESS: 580 BRIGHTWOOD ROAD
 MILLERSVILLE, MD 21108
 OWNER: M.A.F. & ASSOCIATES, LLC
 PROJECT NUMBER: 2000-901-8550
 DATE: NOVEMBER 13, 2024
 ASSESSMENT DISTRICT: ANNE ARUNDINE COUNTY, MARYLAND



VICINITY MAP
 580 BRIGHTWOOD ROAD
 MILLERSVILLE, MD 21108
 PROJECT LOCATION

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

November 14, 2024

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: Lutz Property
580 Brightwood Road, Millersville, MD 21108
TM 22 BLK 12 P 309
Tax Account # 3000-9001-8950

Dear Planner:

On behalf of the property owner, I am submitting a variance application for the above-referenced project. The property owner is proposing the construction of a 40'x40' detached garage with a height that is higher than the principal structure. The existing dwelling a split foyer with a height of 17' 3". The proposed garage height is 20' 0". The structure has an overall footprint of 40' x 40' and is setback, at its closest point, 10' from the eastern, side lot line and 86.74' from the southeastern front lot line.

The property owner is in need of an accessory structure with a height of 20' for storage of a recreational vehicle as well as other vehicles and storage of lawn equipment.

Please note this is a R2 zoned property that exceeds the area and width requirements of the County Code. This property is required to meet the setbacks as noted in 18-4-601 of the County Code. For an accessory structure, this section of the County Code requires a front lot line setback of 40' and a side and rear lot line of 7'. The height limitation for an accessory structure is 25' or the height of the principal structure, whichever is less.

This proposal will require a zoning variance of 2'9" to allow the proposed garage (accessory structure) to be constructed with a height of 20'0".

WE REQUEST A 2'9" VARIANCE TO ARTICLE 18-4-601 THAT REQUIRES AN ACCESSORY STRUCTURE HAS A MAXIMUM HEIGHT OF 25' OR THE HEIGHT OF THE PRINCIPAL STRUCTURE WHICHEVER IS LESS TO ALLOW FOR A HEIGHT OF 20'0" FOR THE PROPOSED ACCESSORY STRUCTURE.

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

18-16-305(a)(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions

peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or:

The existing split foyer was built in 1980. The house is modest in size. The nature of a split foyer is to have a lower level placed 4' in the ground. This style of house typically has an overall height lower than a standard 2-story dwelling. Since this is the case the height of the existing house is only 17'3". This restricts the allowable height for an accessory structure.

These are the unique characteristics of the lot.

18-16-305(a)(2) 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:

With the unique characteristics of existing house having a height that is relatively low and the owners need for storage of a recreational vehicle, other cars and lawn equipment, we are not able to develop the property without the need for a variance.

18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:

We feel this variance request is the minimum variance necessary to afford relief in that the proposed accessory structure has been held as low as possible to allow for the storage of the owners RV. The RV requires taller doors to allow access. We are proposing an accessory structure with a height of 20'. This is only 2'9" higher than the existing dwelling. We feel this is a minimal request.

18-16-305(c)(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located:

The approval of these variances will not alter the essential character of the neighborhood. Most of the houses to the east and north are 2 story dwellings with heights higher than this proposed accessory structure. The properties to the east and south will be screened by the existing trees and shrubs that currently screen those properties.

(ii) substantially impair the appropriate use or development of adjacent property: This proposed development would not impair the appropriate use or development of adjacent properties. The neighboring properties are currently developed with single-family dwellings. This proposal does not impact these properties nor the owner's ability to develop their property.

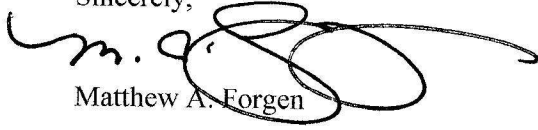
(iii) reduce forest cover in the limited development and resource conservation areas of the critical area: This proposal does not reduce forest cover in the LDA or RCA portion of the Chesapeake Bay Critical Area. This property lies entirely outside of the Chesapeake Bay Critical Area.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area: The property is not located within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

(v) be detrimental to the public welfare: This development is not detrimental to the health and welfare of the community. Storm water management will be required the required with the building permit application.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Forgen', with a large, stylized flourish extending to the right.

Matthew A. Forgen



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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 *BC*

DATE: November 25, 2024

RE: Timothy J. Lutz
580 Brightwood Road
Millersville, MD 21108

NUMBER: 2024-0211-V

SUBJECT: Variance/Special Exception/Rezoning

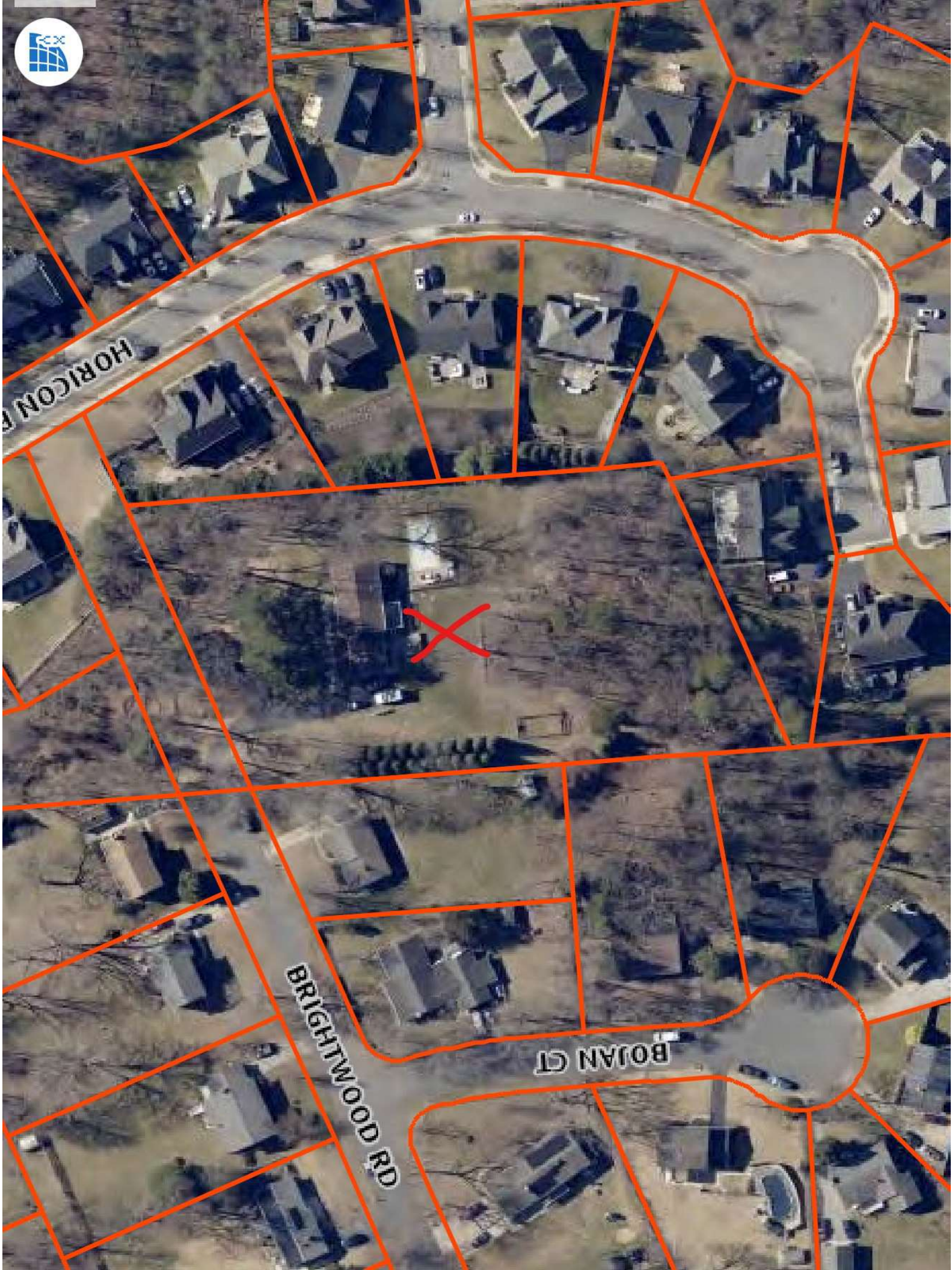
The Health Department has reviewed the above referenced variance to allow an accessory structure (detached garage) with less setbacks than required and with greater height allowed.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

The type and location of the water supply well and on-site sewage disposal system for neighboring property 578 Brightwood Road.

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

cc: Sterling Seay



HORIZON

BRIGHTWOOD RD

BOJAN CT

