

10/3/06 KS

10/16

MSA-S-1829-5501

AA 630-06	McCauley, Robert
VAR	0325

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

October 3, 2006

Ms. Ramona Plociennik  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6401  
Annapolis, Maryland 21401

Re: 2006-0325V; 224 Dunlap Road  
Robert McCauley

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure (shed) with less setbacks than required. The property is designated as Intensely Developed Area (IDA) and the lot is currently developed with a single family dwelling.

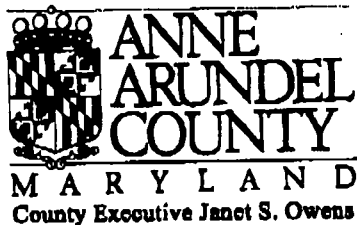
We have no comments regarding the setback variance. Because the property is located in the IDA, the applicant must meet the 10% pollutant reduction rule for the increase in impervious surface.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
cc: AA630-06



Department of Inspections and Permits  
2664 Riva Road, Annapolis, MD 21401  
Telephone: (410) 222-7790  
Fax: (410) 222-7970  
www.aacounty.org

REC-3-9-06

January 3, 2006

Robert E. McCauley  
Stephanie I. McCauley  
224 Dunlap Road  
Pasadena, MD 21122

Re: 224 Dunlap Road, Pasadena  
Tax Account # 3703-3249-1440

Dear Mr. & Mrs. McCauley:

An investigation conducted at the above referenced property by a representative of this department revealed a violation of Article 15 of the Laws of Anne Arundel County. The following sections of the 2003 International Building Code are provided for your reference:

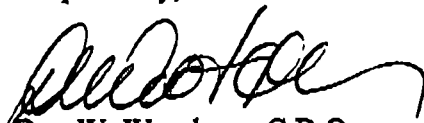
Section -105.1 - Permit Required - A permit is required for the construction of an addition and shed at the above referenced property.

Section -108.4 - A \$40.00 investigation fee is to be paid to Anne Arundel County at time of building permit application.

Section -114 - A STOP WORK ORDER EXISTS until such time as an inspection is conducted and the fee has been paid.

You are hereby ordered to correct this violation and schedule an inspection by February 2, 2006. Failure to comply with this order will leave us no alternative but to refer this matter to the County Attorney's Office for further action. Your cooperation in this matter is appreciated. If you should have any questions, please contact me at 410-222-7746.

Respectfully,



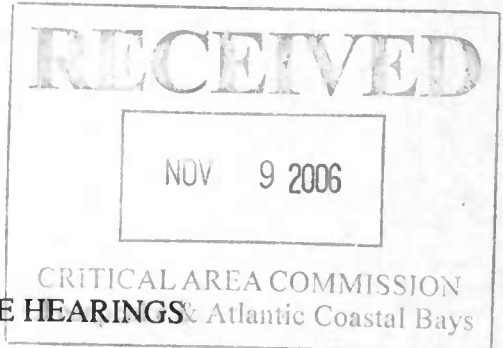
Don W. Woodrow, C.B.O.  
Assistant to Division Manager

DWW/asd B-2005-1219

cc: Frank Ward, Assistant Director, PAC  
Mike Williams, Building Inspection Supervisor  
Richard Mountjoy, Inspector  
Violation File/Chron

Revised Form

630-06



IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2006-0325-V

---

IN RE: **ROBERT AND STEPHANIE McCAULEY**

THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 2, 2006

---

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

PLANNER: **PATRICIA A. COTTER**

---

DATE FILED: NOVEMBER 6<sup>th</sup>, 2006

## **PLEADINGS**

Robert and Stephanie McCauley, the applicants, seek a variance (2006-0325-V) to allow a shed with less setbacks than required on property located along the west side of Dunlap Road, southwest of Creek Road, Pasadena.

## **PUBLIC NOTIFICATION**

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Mr. McCauley testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

## **FINDINGS AND CONCLUSIONS**

The applicants own a semi-detached dwelling with a street address of 224 Dunlap Road, in the subdivision of Rock Creek Estates, Pasadena. The property comprises 4,500 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Intensely Developed Area (IDA). The request is to perfect a storage shed (12 by 12 feet) located three feet from the east side lot line.

Anne Arundel County Code, Article 18, Section 18-4-701 requires accessory structures in the R5 district to maintain seven feet from the side lot line. Accordingly, the proposal requires a variance of four feet to the side setback.

Patricia A. Cotter, a planner with the Office of Planning and Zoning, testified that the applicants enlarged an existing shed that predated their purchase of the property in 1993. The witness questioned both the hardship and the extent of the relief, partly because the site plan includes another shed in the rear corner of the property. There were no adverse agency comments.<sup>1</sup> By way of conclusion, Ms. Cotter opposed the application.

Mr. McCauley testified that both sheds were in poor condition and were torn down. Only one shed has been replaced.

Gary Evans, the applicants' engineering consultant, testified that there are many properties with nonconforming sheds in this older, intensively developed community. The replacement shed is the same distance from the side lot line as the original shed. There was no other testimony in the matter.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to conditional relief from the code. This property satisfies the test of unique physical conditions, consisting of its irregular configuration, narrowing from front to rear, such that there is no reasonable possibility of development in strict conformance with the code. I further find that the variance

---

<sup>1</sup> The Chesapeake Bay Critical Area Commission requested that the applicants satisfy the 10 percent pollutant reduction rule for the increase in impervious surfaces.

represents the minimum relief. This is a comparatively modest storage shed. I further find that the granting of the variance will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or cause a detriment to the public welfare. These findings consider the uncontradicted testimony that the request is consistent with other development in the neighborhood. The approval is subject to the conditions in the Order.

**ORDER**


PURSUANT to the application of Robert and Stephanie McCauley, petitioning for a variance to allow a shed with less setbacks than required; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 6<sup>th</sup> day of November, 2006,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a variance of four feet to the northeast side setback to allow a storage shed (12 by 12 feet) in accordance with the site plan.

The foregoing variance is subject the following conditions:

1. The applicants shall satisfy the 10 percent pollutant reduction requirement.
2. No other storage sheds are allowed at the premises.



Stephen M. LeGenre  
Administrative Hearing Officer

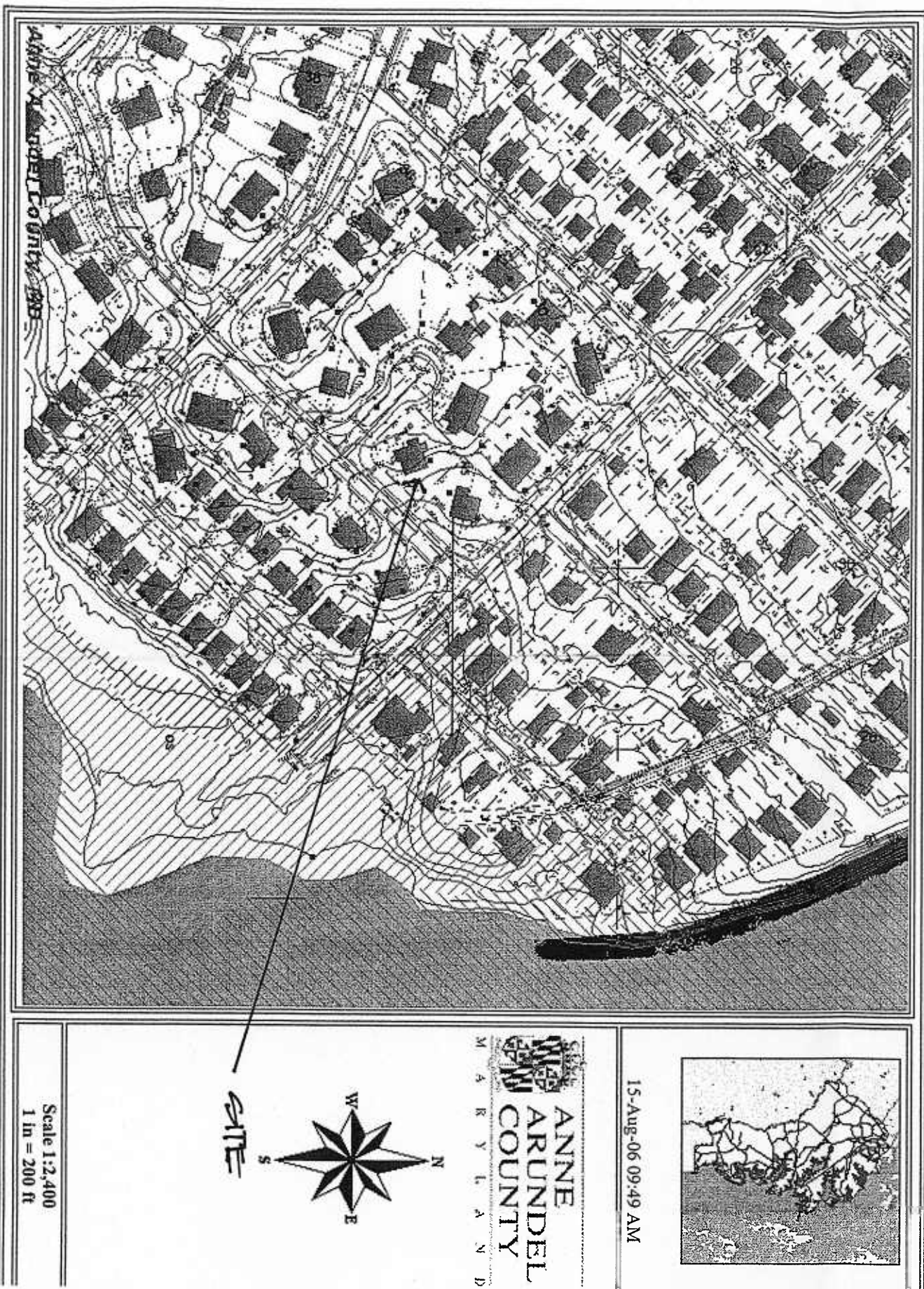
## **NOTICE TO APPLICANT**

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further Section 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within eighteen months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise that will be discarded.





Print Map

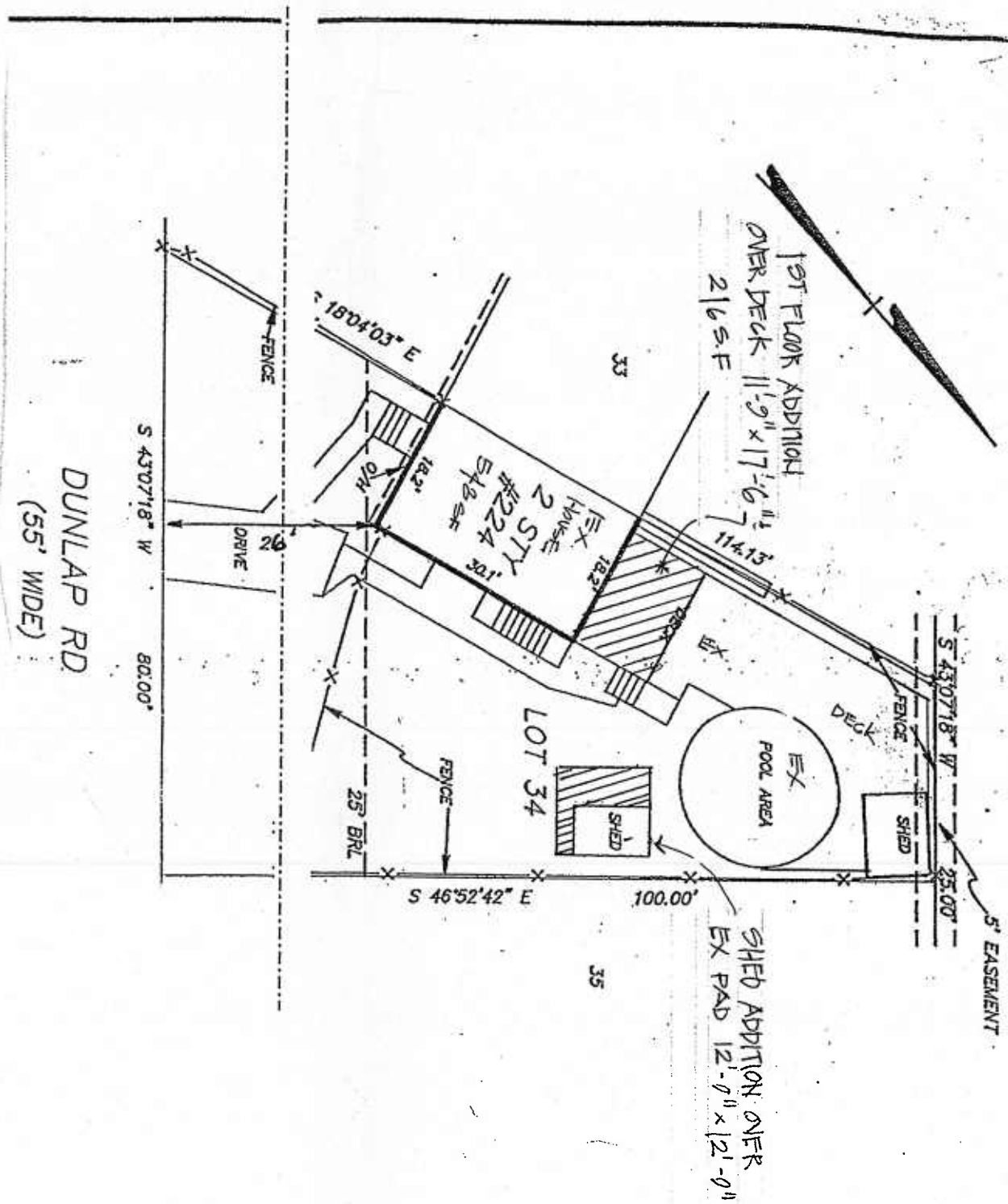
Page 1 of 1

[http://gis.frc.noa42/index.cfm?action=map42\\_aero\\_view\\_printablemap](http://gis.frc.noa42/index.cfm?action=map42_aero_view_printablemap)

8/15/2006

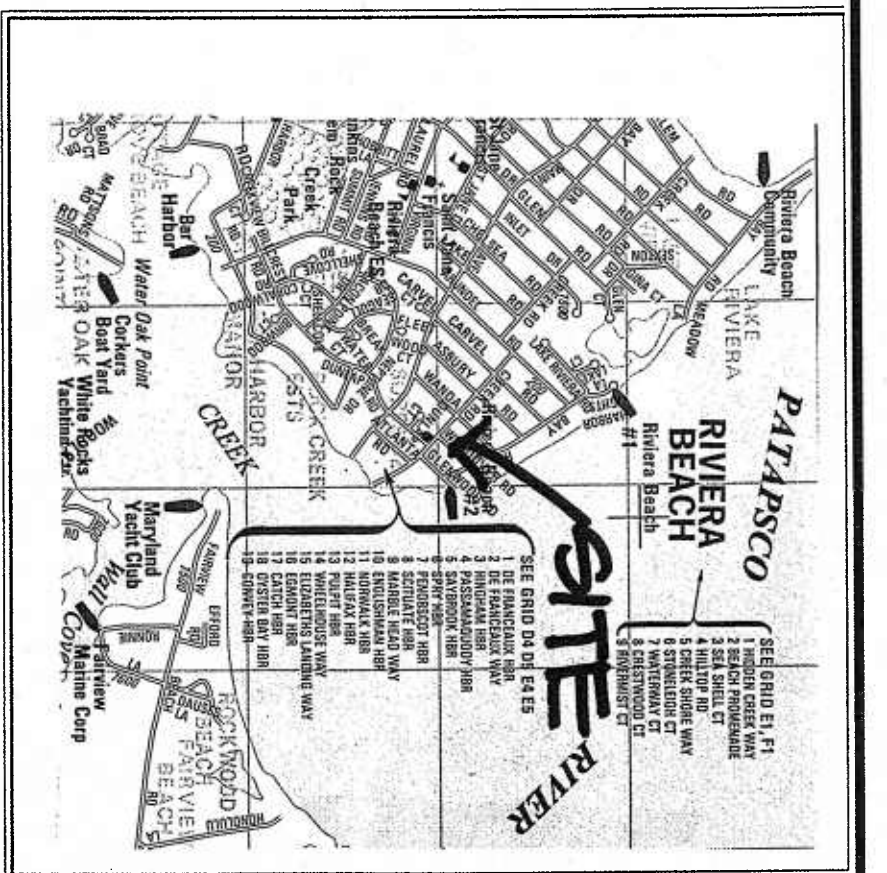
# TOPOGRAPHIC MAP

1" = 200' A.A.CO. GIS



# SITE PLAN

1" = 20'



## VICINITY MAP

SCALE: 1" = 2,000'

- Site Plan Notes:
- 1) The purpose of this site plan is to reflect the addition to the first floor of the house over an existing deck and the addition to the existing shed. No surveys were performed to prepare this plan. The site has no slopes over 4%.
  - 2) The site is located within the IDA critical area and no clearing occurred to construct the additions. The site has no slopes over 4%.
  - 3) The site provides for 2 off-street parking spaces.
  - 4) The site is not located within a flood zone. Map 8 of 61 Zone C.
  - 5) The site plan is based on a location survey prepared by Complete Survey Corporation, dated 12/7/1995.
  - 6) The site is 174,250 square feet, building coverage is 764 SF after this permit approval. Or 17%.
  - 7) The site is connected to existing public water and sewer systems.
  - 8) The site is accessed from Dunlap Road a 55' wide public right of way.
  - 9) The lot is zoned RS.

Revisions			
Rev. #	By	Date	Description

**OWNER/APPLICANT:**  
 MR. ROBERT M'CAULEY  
 224 DUNLAP ROAD  
 PASADENA, MD 21122  
 410. 673. 5280. (M).

Date: 8-25-06  
 Job Number: N/A.  
 Scale: AS SHOWN  
 1" = 20'  
 Drawn By:  
 Designed By:  
 Approved By:  
 Folder Reference:

BUILDING PERMIT SITE PLAN  
 ADDITION TO EX. HOUSE + ADDITION TO EX. SHED  
 LOT 34, SECTION 1  
**ROCK CREEK ESTATES**  
 R.B./IDA. TAX # 03-703-32491440  
 THIRD DIST.  
 PLAT 33/01  
 A.A.CO. MD.

Sheet No. 1 OF 1  
 File No.