

## **Letter of Explanation**

The applicant proposes to construct a 14' x 24' screened porch with landing and steps to grade on the rear of their existing single-family dwelling. The screened porch floor will be eight feet above grade at the highest point, with eight-foot-high walls. The porch is a single-story structure. The existing house in the area that the porch will be constructed is two stories, thus the proposed porch will remain below the existing roof line.

Upon applying for the building permit, comments were generated that directed the applicant to obtain a variance for the proposed work. The reason for the variance was because the proposed work was being constructed within the 50' expanded buffer to a tributary stream and steep slopes. This is not a zoning variance request as the structure meets all other code requirements.

The proposed screened porch does meet the requirements for critical area variances set forth in Section 18-6-305. First, the property exhibits unique physical conditions specific to this lot; both in shape and irregularity. The most applicable peculiarity or irregularity on this property is actually the placement and shape of the existing dwelling. Review of the supplied site plan will show a uniquely shaped home whose front façade is 40' back from the front property line. The uniqueness of the shape however is evidenced in the rear yard where the left side of the house extends significantly further in the rear yard than the right side does.

Where this becomes applicable is in the fact that the proposed screened porch is being constructed over on the right side which is the side that does *not* jettison out into the rear yard. This therefore creates a situation where the screened porch will *not* extend into the rear yard further than even the existing house does. This then also means that the porch will not extend into the 50' buffer any further than the existing house does. Therefore, the existing house and conditions are already further into the buffer than what the proposed construction is going into. Strict application of the critical area provisions here would result in an unwarranted hardship as defined in the Natural Resources Article, section 8-1808, of the State Code.

This then means that this variance *is* in fact necessary to avoid the practical difficulty and unnecessary hardship of not being able to improve upon the portion of their rear yard amenity space that is actually further from the critical area than the existing dwelling is. Construction was evidently approved to go further than what is being asked for now back at time of house construction. To deny the ability to improve the rear yard with a non-enclosed, modest improvement, *would* deny the owner the same rights that nearly all other neighbors would enjoy.

The granting of this variance will not confer on this 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. It could be stated that if the porch was going further into the buffer than what the house is now, perhaps the above statement could not be made. But since the existing structure is *further* into this buffer than what is being proposed, the applicant then is actually not asking for any more than what has already been approved.

The variance request is not based on conditions or circumstances that are the result of actions by the applicant, nor from any condition relating to land or building use on any neighboring property. The request is actually based on conditions that were created when the house was first developed, which was not done by the applicant. Furthermore, construction has not commenced at this point as the owner applied for the permit and subsequent variance before starting any work.

The granting of this variance will in no way adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. As stated, the proposed porch, constructed on pier footings to drastically minimize impact to the ground cover, will not even extend as far into the buffer than the existing house already does. There will be no new impact to the critical area at all do to this unique condition.

The applicant has shown that this variance request does overcome the presumption set forth in the Natural Resources Article, section 8-1808, of the State Code in that this application exhibits conformity with the general purpose and intent of this subtitle. The general intent in fact would imply that the subtitle would restrict new construction that takes place further into a buffer than that which already exists. In this case, the proposed construction does *not* take place further into that buffer as the existing structure extends into that buffer even further. Thus, this presumption would be false and competently overcome.

The applicant has also evaluated site planning alternatives in accordance with section 18-16-201(c) by scheduling and participating in the pre-file meeting and examining any plan that would avoid the variance. Ultimately, by placing the porch in the proposed location, the buffer is not affected newly, or more than the existing dwelling already has. Any other location would affect the buffer more.

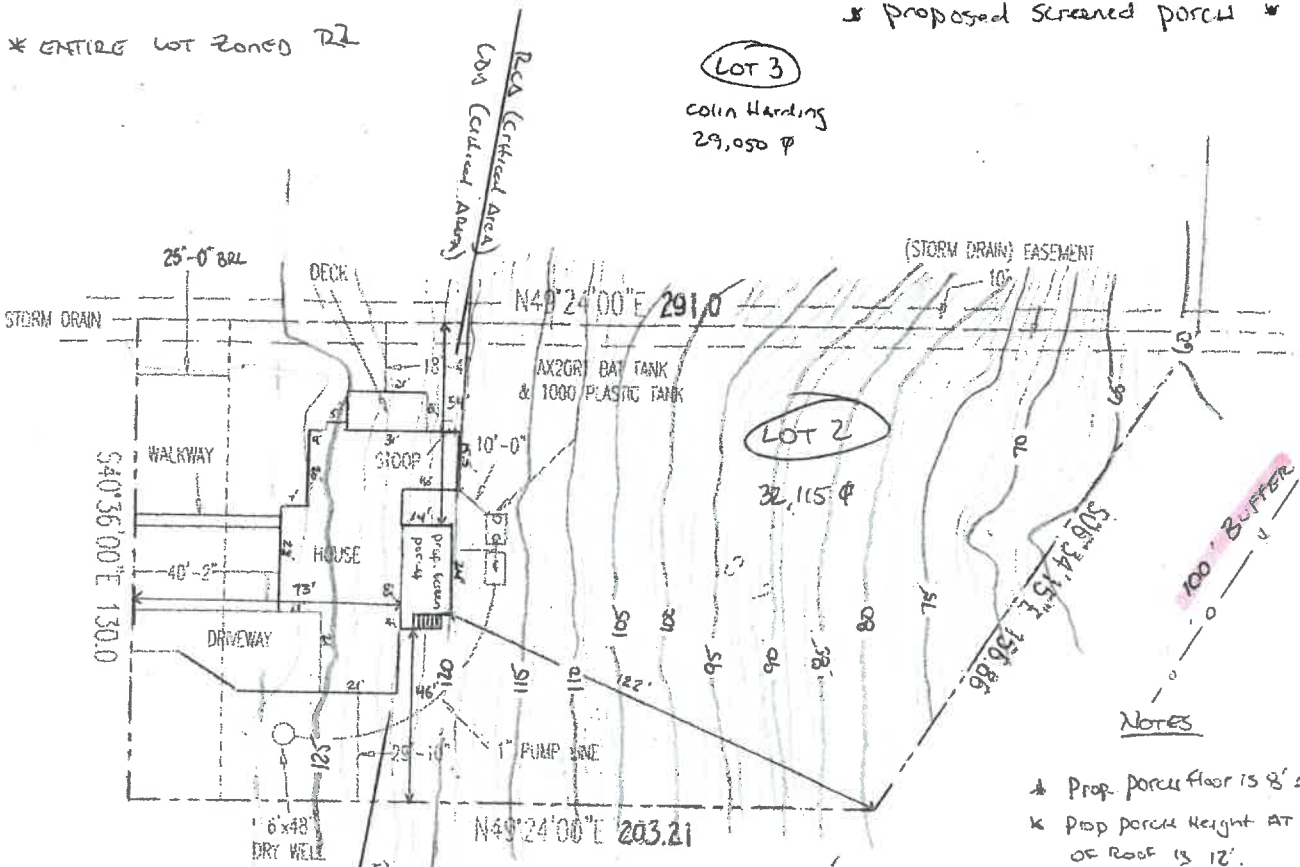
As has been shown, this variance request is the minimum necessary to afford relief and is actually being proposed in the most responsible location possible. The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located because rear porches are ubiquitous on dwellings such as this one, making it more in character with the neighborhood. The variance will not substantially impair the appropriate use or development of adjacent property because there is no other property to the rear of this lot which is where the porch is proposed. The variance will not reduce forest cover in the limited development and resource conservation areas of the critical area, which both exist on this lot, as no forest cover is being removed at all.

The application will not be contrary to acceptable clearing and replanting practices required for development in the critical area because no clearing will take place. However, the applicant is prepared to mitigate impervious surface increases by replanting at the direction of the County. Nor will the variance be detrimental to the public welfare in any way as this porch is in the rear of a private residential lot.

For these reasons and since this proposed work is a minor request with no new impact to the environmental features, we respectfully ask for the approval of the requested variance.

\* ENTIRE LOT ZONED R2

\* Proposed Screened porch \*



**LOT 3**  
Colin Harding  
29,050 sq ft

**LOT 2**  
32,115 sq ft

**LOT 1**  
Trevor Weiss  
22,381 sq ft

PROPERTY:  
Ronald J. Pasano Jr.  
1510 Pine Bluff Way  
Arnold MD, 21012

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Drawn By: Ronald J. Pasano (HOMEOWNER)

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Contractor: Landscaping By Design

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Engineer: David J. Wallace, P.E.

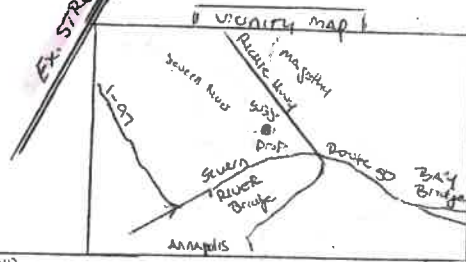
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Scale: 1" = 40'      Date: 5/2/2022

NOTES

- \* Prop porch floor is 8' ABOVE grade
- \* Prop porch height AT highest point OF ROOF is 12'
- \* TOTAL height AT highest point ABOVE grade is 20'

PER COMMENTS: Topography is added and labeled despite including THE REQUIRED topomap, thus clarity HAS BEEN LOST.  
FOR A MORE CLEAR COPY, SEE PREVIOUS VERSION.



LEGEND:

- PROPERTY LINE ————
- STORM DRAIN - - - - -
- EASEMENT - · - · - -
- BUILDING RESTR. - · - · - -
- Topography ———— 1:20 ————

\* BUFFER IS Expanded Beyond 100' To include contiguous SENSITIVE AREAS such as steep slopes, TO TOP OF SLOPE, which is THIS location, AND includes all land within 50 Feet, which includes THE ENTIRE EXISTING dwelling.



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: 8/15/24

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0415	N/A	2	N/A

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Tax ID: 3656-1778-3600

Project Name (site name, subdivision name, or other) Fasano Park

Project location/Address 1510 PINE BLUFF WAY

City ARNOLD Zip 21012

Local case number

Applicant: Last name CLANCY First name JEREMY

Company Applied + Approved Permits

**Application Type (check all that apply):**

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

**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:

Construct 14' x 24' screened porch w/ landing steps on rear of existing SFD. VARIANCE Required for construction in A slopes Buffer BUT Porch will NOT extend AS FAR INTO BUFFER AS EX. HOUSE DOES

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

**Project Type (check all that apply)**

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	—	—		.008	336
LDA Area	.184	~8029			
RCA Area	.553	~24,086	# of Lots Created	n/a	
Total Area	.737	32,115 #			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	.505	22,000	Existing Lot Coverage	.075	3265
Created Forest/Woodland/Trees	—	—	New Lot Coverage	.008	336
Removed Forest/Woodland/Trees	—	—	Removed Lot Coverage	—	—
			Total Lot Coverage	.083	3601

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	.008	336	Buffer Forest Clearing	—	—
Non-Buffer Disturbance	—	—	Mitigation	—	—

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input checked="" type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input checked="" type="checkbox"/>

screened porch

### **Critical Area Report Narrative**

The existing property in question is a residential lot improved upon by an existing detached single-family dwelling. The proposed use will remain the same as the only improvement planned is a 14' x 24' screened porch to be constructed on the rear of the dwelling. This porch will be constructed on post/pier footings.

The predominant types of trees and shrubs on the property are all native to Anne Arundel County. Fully mature pin oaks are the majority of the tree cover, and the house is flanked by varying smaller species shrubs. This lot is 29,050 square feet and it is estimated to be nearly 60% wooded. This equates to approximately 20,000 square feet of vegetation. The porch will occupy 336 square feet, but none of which in the vegetation areas. No vegetation will be removed for the proposed porch. Regardless, the applicant intends to mitigate the new impervious surface by planting new vegetation in accordance with Anne Arundel County Code.

There will be no impacts on water quality and habitat from the proposed construction as again, the foundation is on post/pier footings. However, should the approval of this requested variance necessitate a silt fence to be constructed around the perimeter of the construction site, the applicant would comply.

The impervious surface before construction of all existing areas totals 3,265 square feet. The proposed porch is 336 square feet. The proposed total of all impervious surfaces would then be 3,601 square feet.

The property does fall within the 50-foot expanded buffer for steep slopes and a tributary stream. However, it is important to note that the existing dwelling is constructed further into that buffer than what the proposed porch will be. In other words, the existing dwelling will remain beyond the rear façade of the proposed porch, closer to the environmental area. There are no other habitat protection areas including rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, or plant and wildlife habitats of local significance.



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



## MEMORANDUM

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

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0174-V

DATE: September 16, 2024

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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.

- We note his site is contiguous to a Green Infrastructure Network in the Severn River watershed.

The Department of Recreation and Parks has no further comments.

cc: File



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2024-0086-P  
**DATE:** 09/11/2024  
**OPZ STAFF:** Jennifer Lechner  
Kelly Krinetz

**APPLICANT/REPRESENTATIVE:** Ronald John Fasano Jr. / Applied & Approved Permits

**EMAIL:** [MICHELLE@APPLIEDANDAPPROVED.COM](mailto:MICHELLE@APPLIEDANDAPPROVED.COM)

**SITE LOCATION:** 1510 Pine Bluff Way, Arnold

**LOT SIZE:** 32,115 SF

**ZONING:** R2    **CA DESIGNATION:** LDA/RCA    **BMA:** n/a    **BUFFER:** YES    **APPLICATION TYPE:** Variance

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The applicants are proposing to construct a 14' x 24' screened porch with landing and steps to grade on the rear of their existing single-family dwelling. The proposed construction will disturb the buffer and/or the expanded buffer, and steep slopes. B02427040 was submitted on 6/6/2024.

The following variances are requested:

- Article 18-13-104 to allow disturbance to the 100ft buffer and/or expanded buffer.
- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA/RCA.

#### **COMMENTS**

##### **Critical Area Team:**

The home sits atop a 40% slope. Permit history indicates that there was a need for foundation repairs which may indicate that there is an issue with slope stability. There is an existing deck on the side of the home that should be considered as a potential location for the screened porch. This Office cannot support further encroachment into the buffer then currently exists.

##### **Zoning Administration Section:**

Revise the Administrative Site Plan to: include the height of the porch, along with the length and width dimensions on the site plan; clearly identify and label the topo on the site plan; clearly indicate the top of slopes and the 100ft buffer/expanded buffer.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

#### **INFORMATION FOR THE APPLICANT**

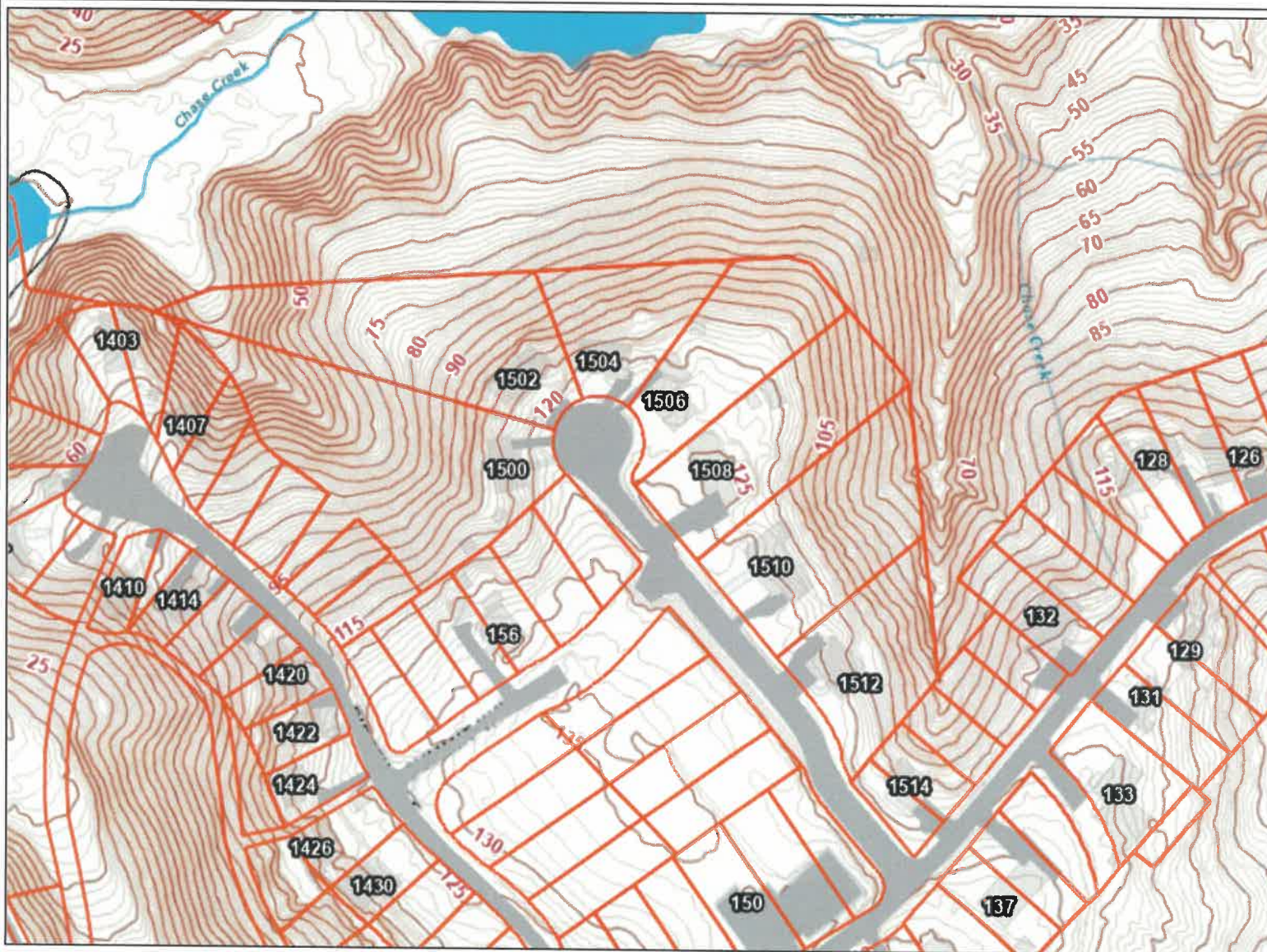
Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.



# 1510 Pine Bluff Way topo map



## Legend

- Foundation
- Addressing
  -
- Parcels
  -
- Structure
  -
- County Structure
  -
- Elevation
  - Topo 2020
  - Index
  - Intermediate

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Notes 1"=200'



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