

October 7, 2024

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: Variance Request
Wilson Property
8449 Bay Road
Pasadena, MD 21122

Dear Ms. Seay:

We are respectfully requesting a variance to Article 18-4-701 which requires a 25' front yard setback and a 7' side yard setback in order to replace an existing deck that is in disrepair and unsafe. The site is zoned R5, classified as Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area and is served by public water and sewer. The site consists of 10,000 square feet and is developed with a residential single-family dwelling and associated improvements including a wood deck that is in disrepair and unsafe for use. The site drains to the tidal waters of the Patapsco River. The site abuts community property that abuts mean high water and, therefore; does not have riparian rights.

We are proposing to remove and replace the existing deck that is in disrepair and unsafe for use due to age and rot. The new deck will be constructed in the same location with a smaller footprint; however, it does not meet the front setback requirement for the R5 zoning district, therefore; we are requesting a variance of 12 feet to the front yard setback and 3 feet to the side yard setback.

The existing lot coverage is 4,735 square feet, which includes the dwelling, concrete driveway, on-grade walkway, above ground pool with gravel area and wood deck. The deck itself is in disrepair due to age and rot and is unsafe for use. The deck is approximately 16' X 36' with partial walkways on two sides of the house, consisting of 1,029 square feet. All 1,029 square feet of coverage is to be removed. The existing deck was removed in September 2024 due to health and safety issues and all entry doors that are accessed from the deck are elevated and no longer accessible.

The proposed deck is approximately 14' X 36' with partial walkways on two sides of the house. The deck not only acts as an outdoor amenity, but will provide ingress/egress to the dwelling, as all points of entry are accessed from the deck. The southeast side provides the main entrance to the dwelling, along with three (3) glass sliding doors on the northeast side and one (1) glass sliding door on the northwest side.

The ultimate decrease in IDA lot coverage is 216 square feet. The new deck will be located within the front yard setback, as is/was the existing deck. The replacement deck will be 1.92' further from the front property line, with the access steps, and there will be no change in distance on the northwest side yard due to existing sliding glass door. A review of the site plan will show the disturbance is minimized, and only the area necessary to perform the work.

This plan also meets the intent of 18-16-305(b) for critical area variances.

- (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 denial of a variance would be a hardship for the owners, as the existing deck has met its life expectancy and cannot be enjoyed by the owners in its current dilapidated state, as it is unsafe. The work proposed is simply a deck replacement with minimal disturbance.
- (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 as a literal interpretation of COMAR would deny the owners use of the property commonly enjoyed by others. As the structure is existing, being that the existing deck is dilapidated and unsafe for use, not allowing the owners to proceed with deck replacement, would be a denial of rights commonly enjoyed by adjacent properties.

(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 as this site does not lie within a bog protection area.

- (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 the proposed deck replacement will not confer special privileges to the owner, as this is simply a replacement of an old dilapidated and unsafe structure.
- (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 this request is not a result of actions of the owners however; the owners have removed the existing deck prior to the issuance of any permits, as the deck was unsafe for use due to age and rot.
- (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 as the proposed deck replacement will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat, as there will be no clearing or grading and the overall amount of lot coverage will be decreased.
- (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 as this site is not within the 100-foot bog buffer, or a bog contributing drainage area.
- (7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code as the proposed deck replacement is not detrimental to the environment.
- (8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). Not applicable, as this is a variance to setbacks and not a critical area variance.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The deck replacement will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

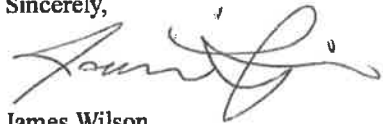
1. The variance request is the minimum to afford relief. The request is the minimum to allow for construction of a new deck.
2. (i) This variance will not alter the essential character of the neighborhood. The new deck will be located in the same footprint as the existing structure, and will be reduced in total square footage from the original structure.
(ii) This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The new deck will be located in the same footprint as the existing structure, and will be reduced in total square footage from the original structure.
(iii) No tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA or RCA, as the site is in the IDA.
(iv) No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.
(v) The project will not be detrimental to the public welfare, as this proposal is to replace an existing deck that is unsafe.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA, as it is located in the IDA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

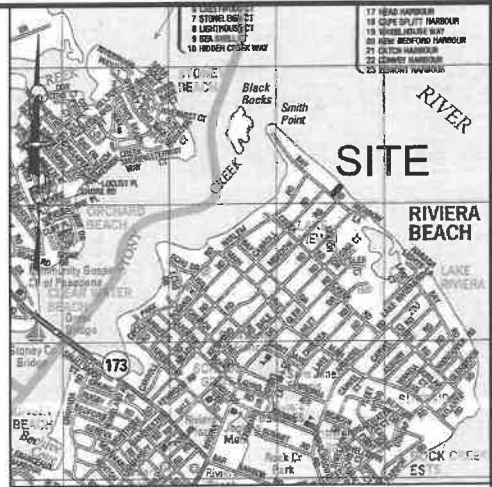
The enclosed plan represents the location of the proposed replacement deck. In closing, the variance requested is the minimum necessary to afford relief and is not based on conditions or circumstances that are a result of actions by the owners. We thank you in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 443-962-3611.

Sincerely,

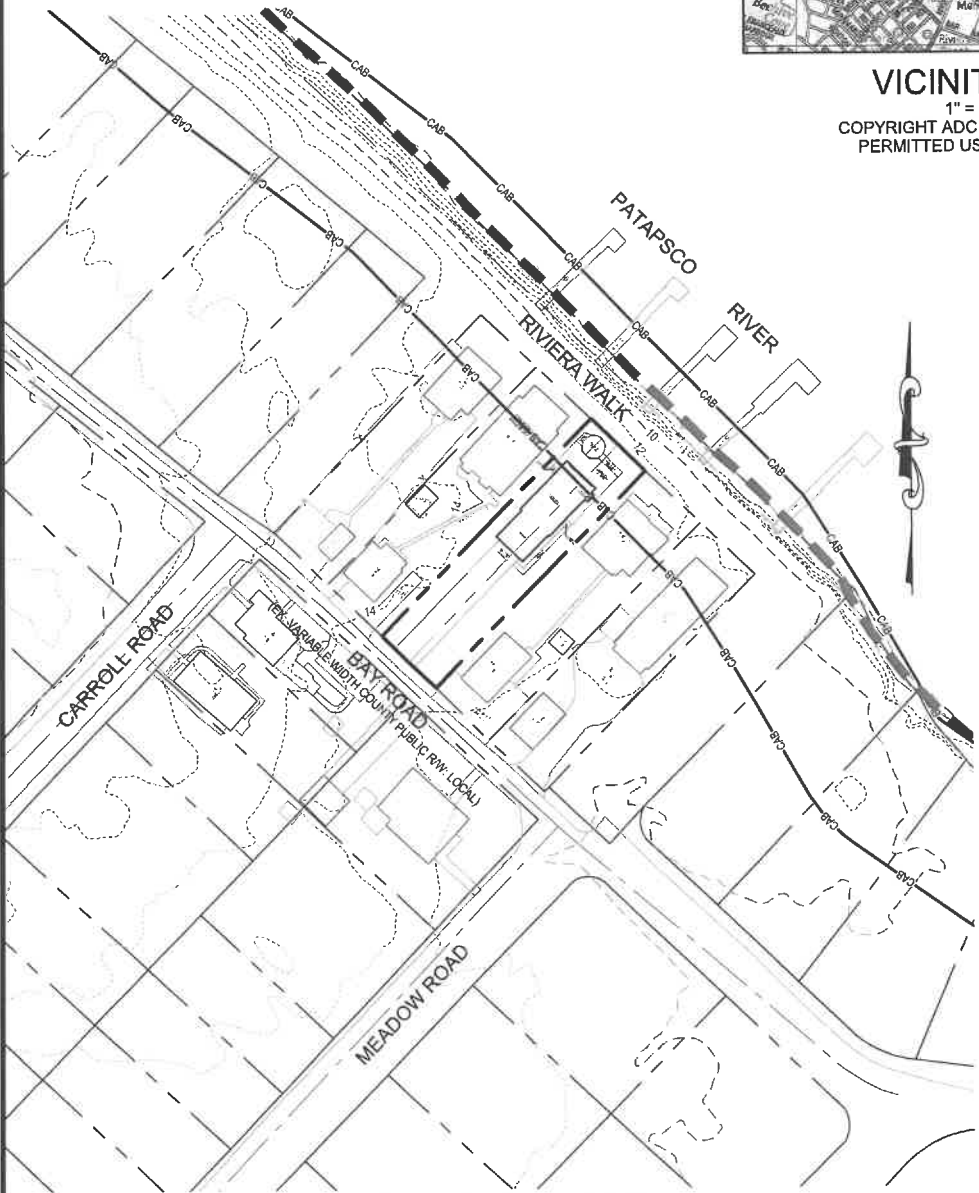
A handwritten signature in cursive script, appearing to read "James Wilson", with a large flourish at the end.

James Wilson



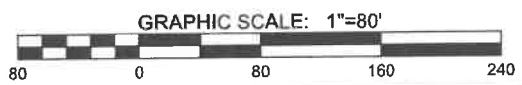
VICINITY MAP

1" = 2000'
 COPYRIGHT ADC THE MAP PEOPLE
 PERMITTED USE NO. 20400770



LOCATION / TOPO MAP

SCALE: 1" = 80'



ADMINISTRATIVE SITE PLAN - BUILDING PERMIT
 DECK REPLACEMENT IN-KIND
 JAMES & KIMBERLY WILSON
 PLAT BOOK 2 PAGE 22
 TAX MAP 11 - GRID 11 - PARCEL 178
 8449 BAY ROAD, PASADENA, MARYLAND 21122
 3RD DISTRICT ANNE ARUNDEL COUNTY, MD.

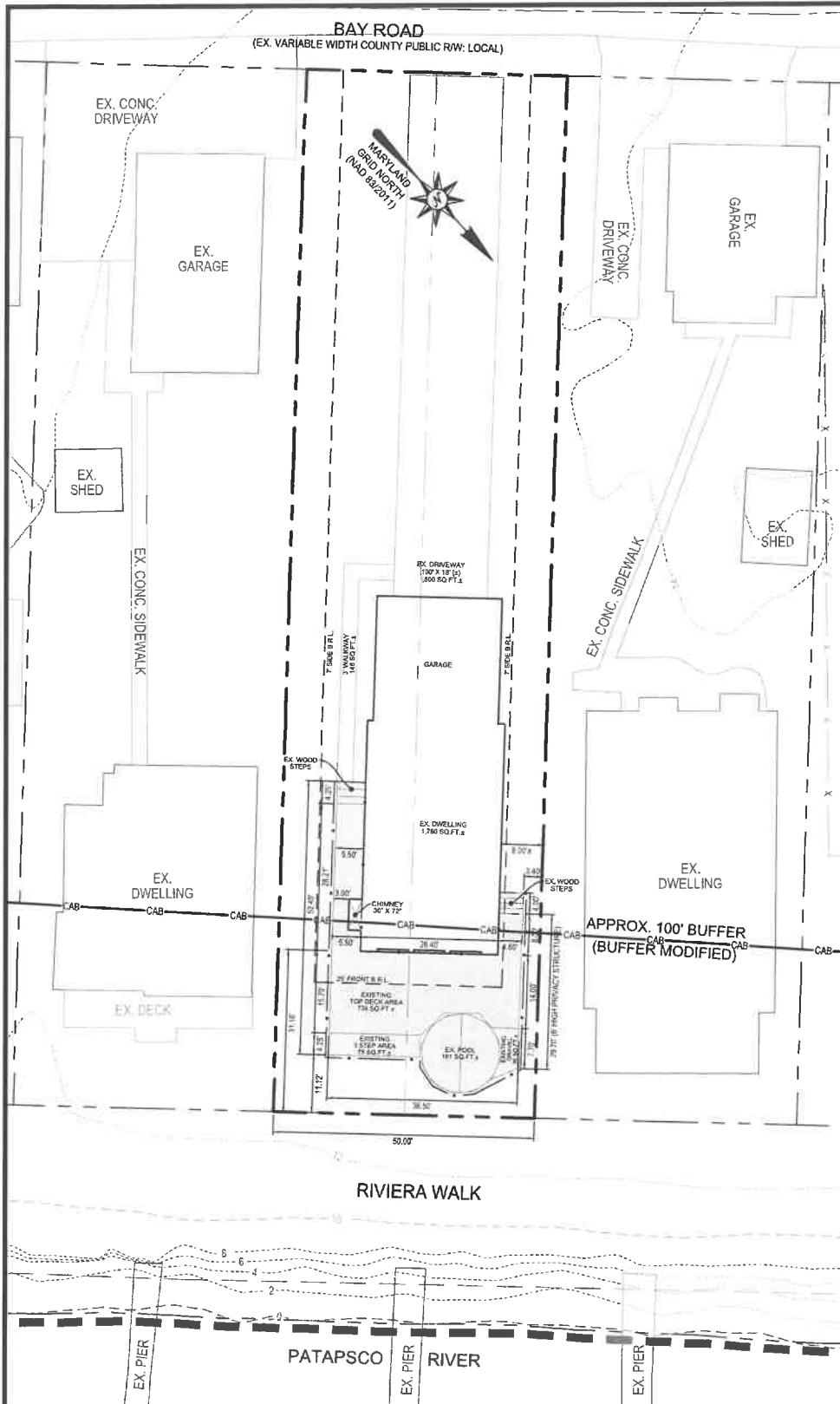
BUILDING PERMIT #B02430149

Sheet No.: 1 OF 3

Drawn By: J. WILSON
 Approved By: J. WILSON
 Scale: AS SHOWN
 Date: OCTOBER, 2024
 Job Number: 00-0000
 Folder Reference: 8449 BAY ROAD

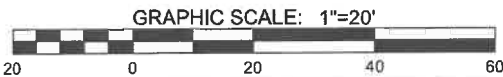
PLOTTED: Oct 01, 2024 - 12:04pm

C:\TEMP\JAMESPERSONAL\8449\DECK STUFF\8449 DECK.DWG //BP 001



EXISTING CONDITIONS PLAN

SCALE: 1" = 20'



NOTES:

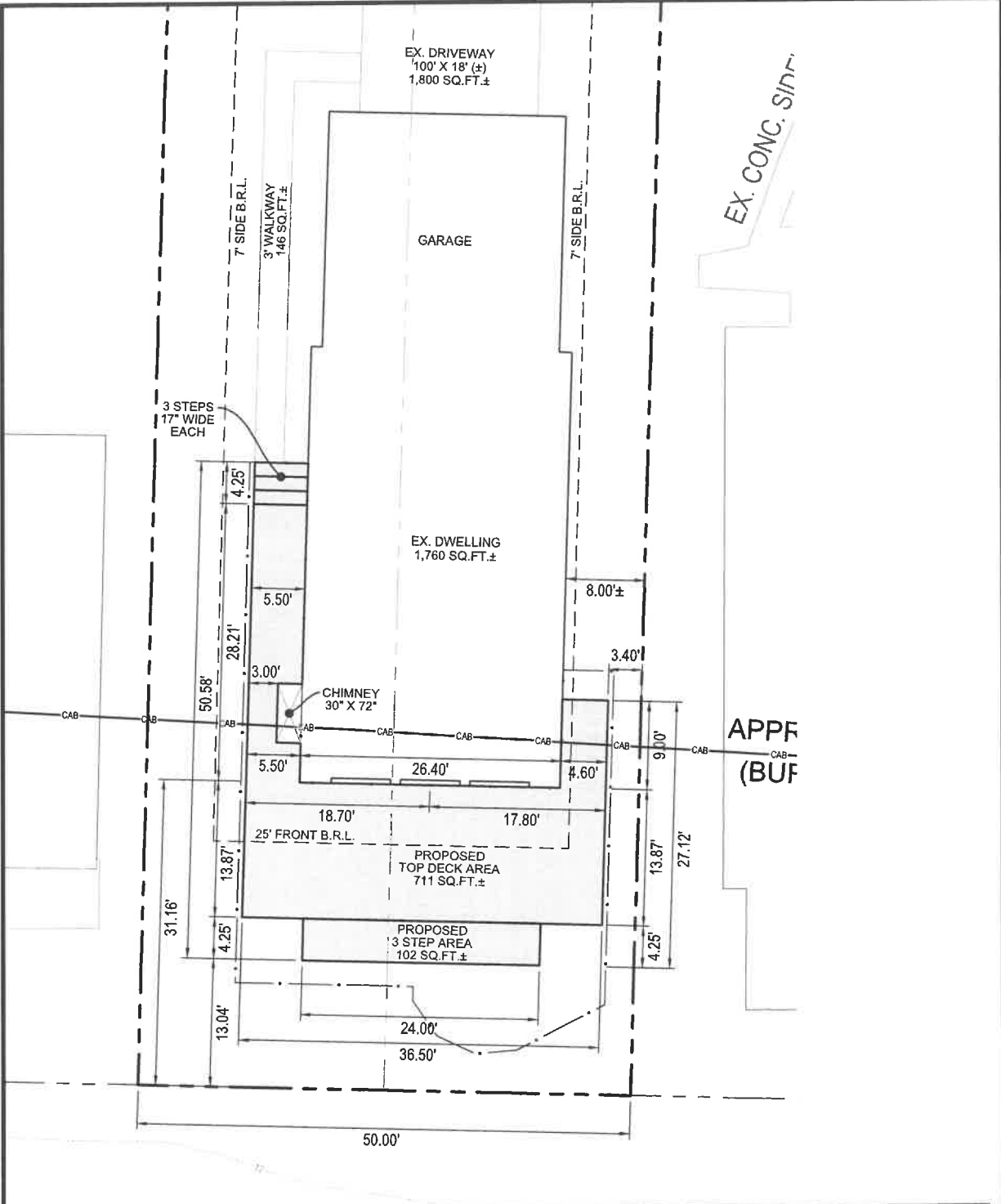
1. SURROUNDING EXISTING CONDITIONS INFORMATION SHOWN HEREON TAKEN FROM CURRENT A.A.CO. GIS INFORMATION AND AERIAL IMAGERY.

Sheet No.: 2 OF 3

ADMINISTRATIVE SITE PLAN - BUILDING PERMIT
 DECK REPLACEMENT IN-KIND
 JAMES & KIMBERLY WILSON
 PLAT BOOK 2 PAGE 22
 TAX MAP 11 - GRID 11 - PARCEL 178
 8449 BAY ROAD, PASADENA, MARYLAND 21122
 3RD DISTRICT ANNE ARUNDEL COUNTY, MD.

BUILDING PERMIT #B02430149

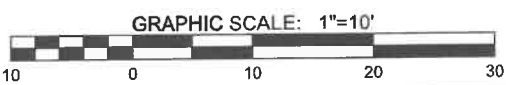
Drawn By: J. WILSON
 Approved By: J. WILSON
 Scale: AS SHOWN
 Date: OCTOBER, 2024
 Job Number: 00-0000
 Folder Reference: 8449 BAY ROAD



PLOTTED: Oct.01, 2024 - 12:04pm

RIVIERA WALK

REPLACEMENT DECK PLAN
SCALE: 1" = 10'



SITE TABULATION	
EXISTING SITE ZONING	R5
CRITICAL AREA CLASSIFICATION	IDA
TOTAL SITE AREA	10,000 SQ.FT.± (0.230 AC.±)
EXISTING IMPERVIOUS AREA	4,735 SQ.FT.± (0.109 AC.±)
EXISTING IMPERVIOUS AREA T.B.R.	1,029 SQ.FT.± (0.024 AC.±)
PROPOSED IMPERVIOUS AREA	813 SQ.FT.± (0.019 AC.±)
TOTAL PROPOSED IMPERVIOUS AREA	4,519 SQ.FT.± (0.104 AC.±)
TOTAL EXISTING WOODS	0 SQ.FT.± (0 AC.±)
EXISTING WOODS CLEARED	0 SQ.FT.± (0 AC.±)
TOTAL DISTURBED AREA	1,118 SQ.FT.± (0.026 AC.±)

Sheet No.: 3 OF 3

ADMINISTRATIVE SITE PLAN - BUILDING PERMIT
DECK REPLACEMENT IN-KIND
 JAMES & KIMBERLY WILSON
 PLAT BOOK 2 PAGE 22
 TAX MAP 11 ~ GRID 11 ~ PARCEL 178
 8449 BAY ROAD, PASADENA, MARYLAND 21122
 3RD DISTRICT ANNE ARUNDEL COUNTY, MD.

BUILDING PERMIT #B02430149

Drawn By: J. WILSON
 Approved By: J. WILSON
 Scale: AS SHOWN
 Date: OCTOBER, 2024
 Job Number: 00-0000
 Folder Reference: 8449 BAY ROAD

C:\TEMP\JAMES\PERSONAL\8449\DECK STUFF\8449 DECK.DWG //BP 003

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: _____

Tax Map #	Parcel #	Block #	Lot #	Section
11	178	11	5,6	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 31093-0759-10501

Project Name (site name, subdivision name, or other) Wilson Property

Project location/Address 18449 Bay Rd

City Pasadena

Zip 21122

Local case number _____

Applicant: Last name Wilson

First name James & Kimberly

Company _____

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:

RIK unsafe wood deck due to age and rot.
Dilapidated Deck

Intra-Family Transfer Yes
Grandfathered Lot

Growth Allocation Yes
Buffer Exemption Area

Project Type (check all that apply)

Commercial
Consistency Report
Industrial
Institutional
Mixed Use
Other

Recreational
Redevelopment
Residential
Shore Erosion Control
Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0.23	10,000
LDA Area		
RCA Area		
Total Area	0.23	10,000

Total Disturbed Area

Acres	Sq Ft
	1,178

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0	0	Existing Lot Coverage		4,735
Created Forest/Woodland/Trees	0	0	New Lot Coverage		813
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage		1,029
			Total Lot Coverage		4,519

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	0

Variance Type

Buffer
Forest Clearing
HPA Impact
Lot Coverage
Expanded Buffer
Nontidal Wetlands
Setback
Steep Slopes
Other

Structure

Acc. Structure Addition
Barn
Deck
Dwelling
Dwelling Addition
Garage
Gazebo
Patio
Pool
Shed
Other

CRITICAL AREA REPORT NARRATIVE

FOR

WILSON PROPERTY

8449 Bay Road

Pasadena, MD 21122

T.M. 11, BLK. 11, Parcel 178, Lots 5 & 6

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

The is no proposed use. This is an existing developed residential lot. The proposed improvements are to R.I.K. existing wood deck that is unsafe for use due to age and rot. Proposed deck sq.ft. area will be decreased and will be in the same location as original deck.

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

There are no predominant trees or shrubs on the subject property. The proposed disturbance will be limited to the area of the existing deck (1,118 sq.ft.). There will be no clearing or grading. Silt fence will be provided if necessary. No mitigation required.

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

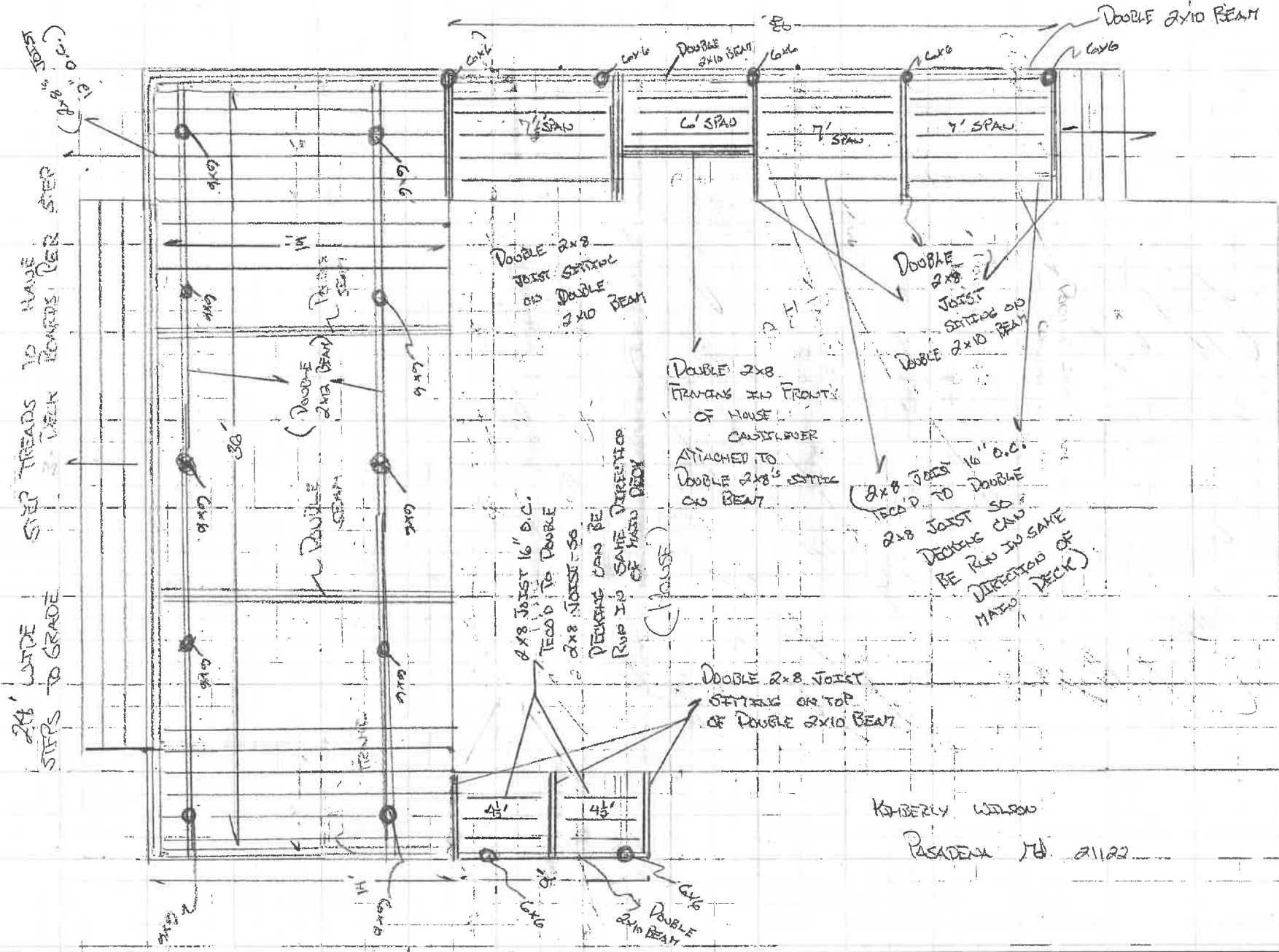
Stormwater management is not required for this project. There will be no clearing or grading. Silt fence will be provided if necessary.

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

Existing impervious area:	4,735 Sq.Ft.± (0.109 Ac.±)
Existing impervious area removed:	1,029 Sq.Ft.± (0.024 Ac.±)
Proposed impervious area:	813 Sq.Ft.± (0.019 Ac.±)
Total overall impervious area:	4,519 Sq.Ft.± (0.104 Ac.±)
Decreased impervious area:	216 Sq.Ft.± (0.005 Ac.±)

- 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.

Does not apply.



3" O.C.
SPACING

2x8 WIDE
STEPS TO GRADE

STEP TREADS TO HAVE
2x12 WALK BOARDS PER STEP

DOUBLE 2x10 BEAM

DOUBLE 2x8
JOIST SITTING
ON DOUBLE
2x10 BEAM

DOUBLE 2x8
FRAMING TO FRONT
OF HOUSE
CAPPED OVER
ATTACHED TO
DOUBLE 2x8 JOIST
ON BEAM

2x8 JOIST 16" O.C.
TIED TO DOUBLE
2x8 JOIST SO
DECKING CAN
BE RUN IN SAME
DIRECTION OF
MAJOR DECK

DOUBLE 2x8 JOIST
SITTING ON TOP
OF DOUBLE 2x10 BEAM

2x8 JOIST 16" O.C.
TIED TO DOUBLE
2x8 JOIST SO
DECKING CAN BE
RUN IN SAME DIRECTION
OF MAJOR DECK

KIMBERLY WILSON
PASADENA, MD. 21122