

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

APPLICANT: Ronald & Victoria Fasano

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0174-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: December 3, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (screened porch and steps) with less setbacks and buffer than required on property located at 1510 Pine Bluff Way in Arnold.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 32,115 square feet of land and is located on the northeast side of Pine Bluff Way. The property is identified as Lot 2 of the Pine Bluff subdivision, Parcel 415 in Grid 23 on Tax Map 39. This property is zoned R2 – Residential District, and lies entirely within the Chesapeake Bay Critical Area, with the LDA – Limited Development Area in the front portion and the RCA - Resource Conservation Area in the rear portion. It is currently improved with a split-level dwelling and associated facilities.

PROPOSAL

The applicants are proposing to construct a screened porch (14' x 24', maximum height of 12') with a landing and steps to grade on the rear of their existing single-family dwelling.

REQUESTED VARIANCES

§ 18-13-104 states that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands; and, that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater.

The proposed construction will temporarily disturb approximately 580 square feet (10ft work buffer) and permanently disturb approximately 380 square feet (screened porch and steps to grade) of the expanded tributary stream buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 17-8-201 states that development in the Limited Development Area (LDA) or in the Resource Conservation Area (RCA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope, is to allow connection to a public utility, or is to provide

direct access to the shoreline, and, all disturbance shall be limited to the minimum necessary.

The proposed construction will temporarily disturb approximately 480 square feet of slopes of 15% or greater, necessitating a variance. The final amount of disturbance will be determined during permit review.

A review of the bulk regulations for development within the R2 District reveals that a setback variance is not required.

FINDINGS

The subject property is irregularly shaped and oversized for a lot in the R2 District with regards to the minimum lot area requirement of 20,000 square feet for lots not served by public sewer and the minimum lot width requirement of 80 feet.

A review of the County aerial photography shows an eclectic mix of dwellings and lots in this community. The majority of the properties, including the subject property, are encumbered by steep slopes and the expanded buffer of a tributary stream to Chase Creek. The existing dwelling was built in 1970, prior to the Critical Area laws¹.

The existing critical area lot coverage of the site is 3,265 square feet. The proposed post-construction lot coverage is 3,601 square feet, which is well below the lot coverage allowed under §17-8-402 (5,445 square feet). The existing and proposed coverage by structures was not provided; however, based on the critical area lot coverage, it would also be well below the 30% (9,634.5 square feet) maximum coverage by structures allowed under § 18-4-601.

Building permit B02289882, to repair 66ft of the foundation wall and to stabilize the foundation, was issued on November 14, 2012 and closed on January 19, 2013.

Building permit B02427040, to construct a screened porch with a landing and steps to grade, was submitted on June 6, 2024. Variance approval must be obtained prior to the permit being issued.

Variance 2005-0187-V had been granted to allow disturbance to the expanded buffer and steep slopes and with reduced front setbacks to rebuild the fire damaged dwelling at 1512 Pine Bluff Way (adjacent neighbor to the south). The variance had been granted after a previous variance, 2004-0514-V, had been denied. As compared to the prior application, the dwelling had been reduced in size and relocated closer to the road to minimize the impacts to the buffer and slopes.

Variance 2012-0159-V had been granted to allow disturbance to steep slopes to construct a new dwelling at 1514 Pine Bluff Way (neighbor to the south of 1512 Pine Bluff Way). It was determined that the proposed dwelling was reasonable in size and consistent with the neighborhood, and had been located in the most level area of the property in order to limit the disturbance.

¹ In 1984, the Maryland General Assembly passed the Chesapeake Bay Critical Area Law in response to a decline in the overall quality of the Chesapeake Bay. Anne Arundel County's Critical Area Program was first approved in 1988.

The applicants' letter contends that the screen porch, as proposed, would not disturb any more of the expanded buffer or steep slopes than the portion of the existing house which currently extends farther into the expanded buffer. They believe that being denied the right to improve their rear yard would be an unnecessary hardship.

Agency Comments

The **Health Department** has determined that the proposed request does not adversely affect the on-site sewage disposal system, and has no objection to the above referenced request.

The **Critical Area Commission** noted that the property is currently improved with a driveway, walkways, and dwelling with an existing deck. The dwelling is located on top of a 40% slope. The applicant should consider constructing the screen porch on top of the existing deck to minimize impacts to steep slopes. Given the existing improvements, this request does not meet all of the Critical Area variance standards, including unwarranted hardship. If this request were to be denied the applicant will still have reasonable and significant use of the entire parcel. Additionally, impacts to the steep slopes to construct the screened porch can adversely impact water quality and habitats.

The **Critical Area Team** noted that 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 than currently exists.

The **Recreation and Parks Department** noted that this site is contiguous to a Green Infrastructure Network in the Severn River watershed.

Variance Criteria

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the dwelling had been built prior to the Critical Area laws, and therefore, the expanded buffer had not been taken into account. The fact that the existing dwelling had been set back further from the street, and thereby, closer to the steep slopes and within the expanded buffer, does not mean that additional disturbance and encroachment would be acceptable. The applicants currently have reasonable and significant use of their property, and have an existing deck which could be screened in without the need for relief.

Their desire to build a screened porch in the expanded buffer, at the edge of the steep slopes, is a self-inflicted hardship. A literal interpretation of the County's critical area program and related ordinances will not deprive the applicant of rights commonly enjoyed by other properties in similar areas because no property may disturb the expanded buffer or steep slopes. Therefore, the granting of a variance would confer on the applicants a special privilege that would be denied by the County's critical area program to other lands or structures within the critical area.

The variance request is not based on conditions or circumstances that are the result of actions by the applicants, and does not arise from any condition relating to land or building use on any neighboring property.

As development within the expanded buffer and steep slopes is prohibited, the granting of the variance may adversely affect water quality or impact fish, wildlife or plant habitat, would not be in harmony with the general spirit and intent of the County's critical area program, and would be contrary to acceptable clearing and replanting practices.

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. However, because an alternative location for the proposed screen porch exists, the variance cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, as proposed, this Office recommends ***denial*** of a zoning variance to § 18-13-104 to allow disturbance to the expanded buffer; and ***denial*** of the Critical Area variance to § 17-8-201 to disturb steep slopes.

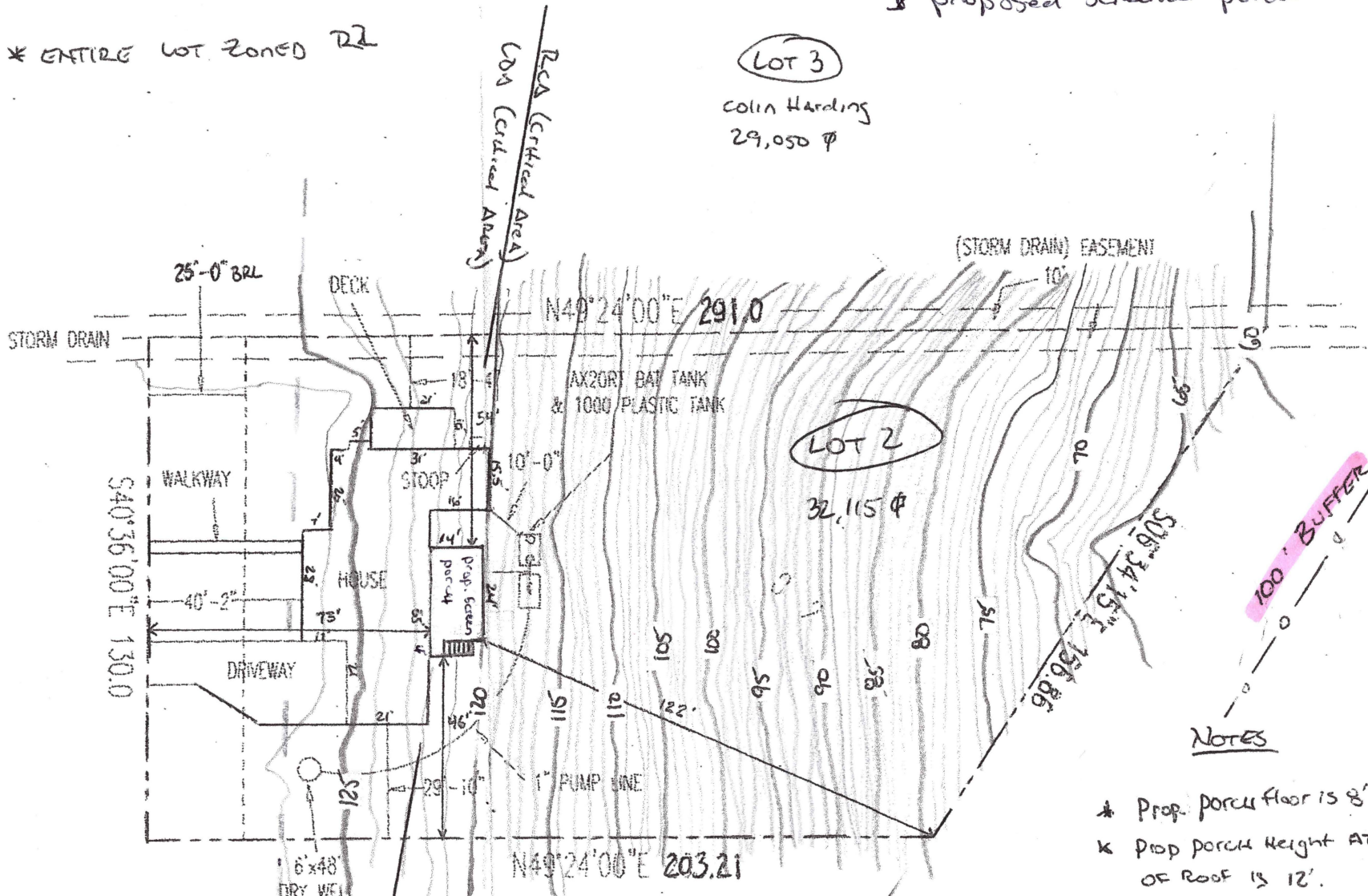
If granted, the final amount of disturbances will be determined during permit review.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

* ENTIRE LOT ZONED R2

* Proposed Screened porch *

LOT 3
Colin Harding
29,050 \$



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

Drawn By: Ronald J. Pasano (HOMEOWNER)

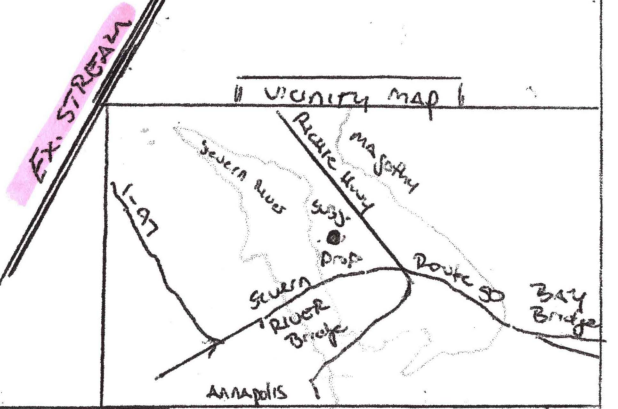
Contractor: Landscaping By Design

Engineers: David J. Wallace, P.E.

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 topo map, thus clarity has been lost.
For a more clear copy, see previous version.

LEGEND:

| | |
|-----------------|-----------|
| PROPERTY LINE | ----- |
| STORM DRAIN | - - - - - |
| EASEMENT | - - - - - |
| BUILDING RESTR. | - - - - - |
| Topography | — 120 — |

LOT 1
Trevor West
22,381 \$

TOP OF SLOPE

* BUFFER IS EXPANDED BEYOND 100' TO INCLUDE CONTIGUOUS SENSITIVE AREAS SUCH AS STEEP SLOPES, TO TOP SLOPE, WHICH IS THIS LOCATION, AND INCLUDES ALL LAND WITHIN 50 FEET, WHICH INCLUDES THE ENTIRE EXISTING DWELLING.

Working Grid North

50' Extension



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.

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 Porch

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 <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:

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 | Yes <input type="checkbox"/> | Growth Allocation | Yes <input type="checkbox"/> | Now |
| 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 | — | — | | 0.008 | 336 |
| LDA Area | 0.184 | ~8029 | | | |
| RCA Area | 0.553 | ~24,086 | | | |
| Total Area | 0.737 | 32,115 # | | | |

of Lots Created *n/a*

| | Acres | Sq Ft | | Acres | Sq Ft |
|--------------------------------|-------|--------|-----------------------|-------|-------|
| Existing Forest/Woodland/Trees | 0.505 | 22,000 | Existing Lot Coverage | 0.075 | 3265 |
| Created Forest/Woodland/Trees | — | — | New Lot Coverage | 0.008 | 336 |
| Removed Forest/Woodland/Trees | — | — | Removed Lot Coverage | — | — |
| | | | Total Lot Coverage | 0.083 | 3601 |

VARIANCE INFORMATION (Check all that apply)

| | Acres | Sq Ft | | Acres | Sq Ft |
|------------------------|-------|-------|------------------------|-------|-------|
| Buffer Disturbance | 0.008 | 336 | 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 checked="" type="checkbox"/> |
| Nontidal Wetlands | <input type="checkbox"/> |
| Setback | <input 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 type="checkbox"/> |
| Gazebo | <input type="checkbox"/> |
| Patio | <input type="checkbox"/> |
| Pool | <input type="checkbox"/> |
| Shed | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> <u>screened porch</u> |

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.

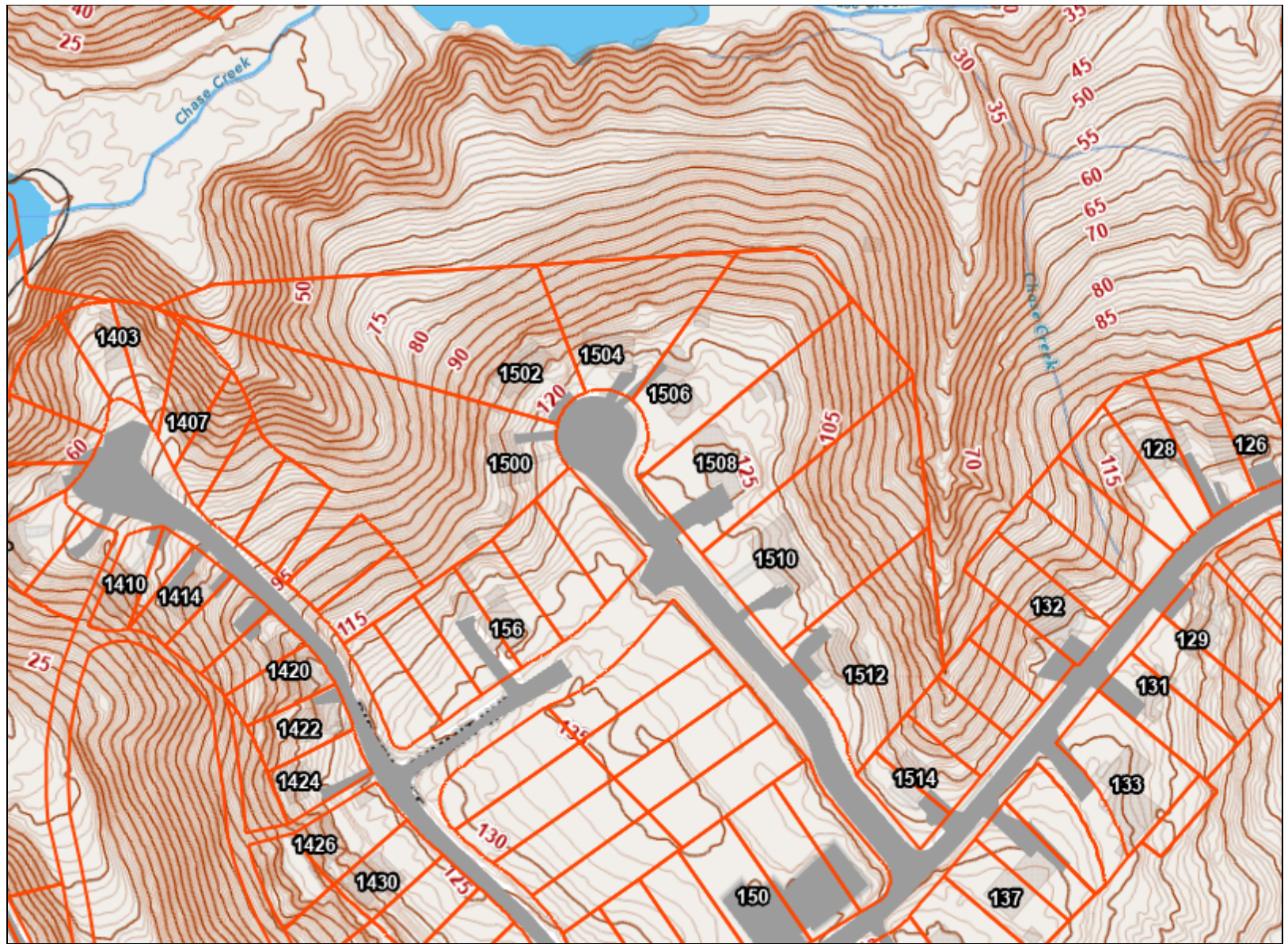
The predominant types of trees and shrubs on the property are all native to Anne Arundel County. Fully mature pin oaks are the majority of the tree cover, and the house is flanked by varying smaller species shrubs. This lot is 29,050 square feet and it is estimated to be nearly 60% wooded. This equates 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.

1510 Pine Bluff Way topo map



Legend

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

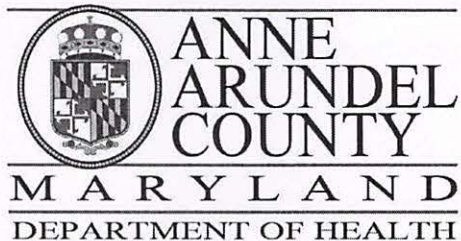
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA,

0 200 400 ft

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes 1"=200'



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: September 19, 2024

RE: John Ronald Jr. Fasano
1510 Pine Bluff Way
Arnold, MD 21012

NUMBER: 2024-0174-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (screened porch and steps) with less setbacks and buffer than required.

The Health Department has reviewed the on-site sewage disposal system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal system. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

CAC Comments: 2024-0168-V Evergreen Ventures, 2024-0171-V Moynihan, 2024-0173-V Tynan, 2024-0174-V Fasano, 2024-0176-V McKittrick, 2024-0185-V Johnson

1 message

Jennifer Esposito <jennifer.esposito@maryland.gov>

Fri, Oct 11, 2024 at 10:20 AM

To: Sadé Medina <pzmedi22@aacounty.org>

Cc: Sterling Seay <pzseay16@aacounty.org>, Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Good morning,

The Critical Area Commission has reviewed the following variances and we provide the following comments:

- 2024-0168-V; Evergreen Ventures (AA 223-24): The County must ensure that appropriate mitigation is required, including ensuring that the full re-establishment of areas associated with the unpermitted clearing occurs, and that any remaining mitigation is fulfilled by planting unvegetated portions of the Buffer. Based on the submitted Mitigation Plan, it does not appear that the unpermitted cleared areas (both inside and outside of the Buffer) are being fully replanted. Nor does it appear that the proposed mitigation on this site fulfills the mitigation requirements. The applicant may not be granted a variance to the mitigation standards per COMAR 27.01.09.01-2.P. The applicant should revise the Mitigation Plan to provide a Landscape Stock Table to include the size, quantity, and species that will satisfy the mitigation requirements.
- 2024-0171-V; Moynihan (AA 229-24): In order for the Administrative Hearing Officer to grant this after-the-fact variance, the applicant must meet each and every one of the variance standards including unwarranted hardship and that the project will not adversely affect water quality or habitats within the Critical Area.
- 2024-0173-V; Tynan (AA 231-24): The property is currently improved with driveway, front porch, dwelling with patio and rear deck, and riparian access. It does not appear that a proposal for an additional outdoor amenity (a 288-square-foot deck) meets the Critical Area Variance standards, including unwarranted hardship as the applicant currently enjoys reasonable and significant use of the property.
- 2024-0174-V; Fasano (AA 230-24): The property is currently improved with a driveway, walkways, and dwelling with an existing deck. The dwelling is located on top of a 40% slope. The applicant should consider constructing the screen porch on top of the existing deck to minimize impacts to steep slopes. Given the existing improvements, this request does not meet all of

the Critical Area variance standards, including unwarranted hardship. If this request were to be denied the applicant will still have reasonable and significant use of the entire parcel. Additionally, impacts to the steep slopes to construct the screened porch can adversely impact water quality and habitats.

- 2024-0176-V McKittrick (AA232-24): Provided that the proposed improvements to the rear of the dwelling are limited to the existing footprint, and provided that the Administrative Hearing Officer finds that each and every one of the variance standards have been met, appropriate mitigation is required.
- 2024-0185-V; Johnson (AA 249-24): Appropriate mitigation is required.

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

The above comments have been uploaded to the County's online portal.



 facebook_logo.jpg

 twitter_logo.jpg

dnr.maryland.gov/criticalarea

Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Office: [410-260-3468](tel:410-260-3468)

(In office: Mon., Wed., Friday)

Cell: [443-569-1361](tel:443-569-1361)

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

2024-0174-V

Menu Cancel Help

Edit View

Print Page

Task Details **OPZ Critical Area Team**

Assigned Date

09/13/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

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.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

10/04/2024

Assigned to Department

OPZ Critical Area

Status Date

10/03/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Alerts

Display Comments

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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



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

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

1510 Pine Bluff Way (2024-0174-V)



Legend

Foundation

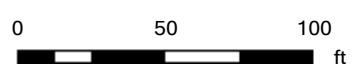
Addressing



Parcels



Parcels - Annapolis City



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none

Notes