

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

**APPLICANTS:** Michael & Nancy Means

**ASSESSMENT DISTRICT:** 3<sup>rd</sup>

**CASE NUMBER:** 2022-0126-V

**COUNCILMANIC DISTRICT:** 3<sup>rd</sup>

**HEARING DATE:** October 4, 2022

**PREPARED BY:** Sara Anzelmo  
Planner II



**REQUEST**

The applicants are requesting a variance to allow a dwelling addition (living space) with less setbacks and buffer (bog) than required on property located at 155 Ryan Road in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 2.21 acres of land and is located with approximately 157 feet of frontage on the east side of Ryan Road, 380 feet south of Woods Road. It is identified as Lot 3 of Parcel 114 in Block 11 on Tax Map 24.

The property is zoned R1 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 3, effective January 29, 2012. The site is not located in the Chesapeake Bay Critical Area, but it is located entirely within the Cockey’s Creek Bog Protection Area. The majority of the property lies within the 100-foot upland buffer to bog, and the remainder lies within the 300-foot limited activity area. It is currently improved with a split-foyer single-family detached dwelling and associated facilities.

**APPLICANT’S PROPOSAL**

The applicants propose to remove an existing rear deck and to replace it with a 14’ by 15’ (210 square foot) upper level dwelling addition. The proposed addition would be partially located over an existing 12’ by 30’ concrete patio; however, the addition would extend beyond the patio.

**REQUESTED VARIANCES**

Article §17-9-206(a) of the Anne Arundel County Zoning Ordinance stipulates that new development, including septic systems, structures, roads, parking areas, or other impervious surfaces, is prohibited in the 100-foot upland buffer and natural vegetation shall be maintained. The proposed addition would be constructed entirely within the 100-foot upland buffer, necessitating a variance to include the area of the addition plus an additional 10-foot limit of disturbance (LOD) required for access during construction. If approved, the actual amount of disturbance would be calculated at the time of permitting.

A review of the bulk regulations for development within an R1 District reveals that a setback variance is not required.

## **FINDINGS**

The subject property is irregular in shape and far exceeds the minimum lot area and width requirements for the R1 District. The existing lot coverage is 2,180 square feet. The proposed coverage would increase to 2,724 square feet.

The applicants' letter explains that the addition is necessary in order to allow extra space to accommodate their mother, who is 100% home-bound. She currently occupies the lower level, preventing them from using the space for their own purposes.

The **Health Department** does not have an approved plan for this project, but it has no objection as long as a plan is submitted and approved by the Department.

The **Soil Conservation District** deferred to the Office of Planning and Zoning. The District will provide comments during the sediment control review.

The **Department of Recreation and Parks** noted that the subject site is not contiguous to a park, trail, or greenway, but it does lie in the Cockey's Creek Bog 100' and 300' buffers. The Department has no further comments.

The **Development Division (Critical Area Team)** commented that development within the 100' buffer to Bogs or Bog streams is prohibited. Bogs are unique communities that can be destroyed in a matter of days but require hundreds, if not thousands, of years to form naturally. Bogs are low in the nutrients needed for plant growth, a condition that is enhanced by acid forming peat mosses and any change in hydrology through grading or an increase in lot coverage can be detrimental to the health of the Bog. Profile recommendations were to redesign the addition so that there would be no additional coverage beyond what currently exists and therefore no change to the runoff within the buffer. No changes were made to the proposed construction, and the Team cannot recommend approval of this application.

For the granting of a bog protection area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the lot, strict implementation of the County's bog protection program would result in an unwarranted hardship and would prevent the applicants from developing the lot. Bog protection area variances should only be granted if in strict harmony with the spirit and intent of the regulations, and the need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants.

A literal interpretation of the County's bog protection program would not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas. The existing two-story dwelling with an attached deck and large patio for outdoor use and enjoyment already provides the applicants with reasonable use of their residentially zoned lot. Approval would confer on the

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applicants a special privilege that would be denied by the County's bog protection program. 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. The granting of the variance may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's bog protection program. The applicants have not maximized the distance between the bog and the proposed addition, which is required when a variance to develop within the 100-foot upland buffer is being sought. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the bog protection area law. Despite pre-file recommendations from the County to redesign the addition so that there is no additional coverage closer to the wetland/stream [bog] than the existing patio area, the applicants have not evaluated or implemented site planning alternatives.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, be contrary to acceptable clearing and replanting practices required for development in a bog protection area, or be detrimental to the public welfare. However, the proposal encroaches even farther into the 100-foot upland buffer and does not maximize the distance between the bog and the addition as is required under § 18-16-305(b)(6). There is opportunity to minimize the environmental impacts by keeping the dwelling addition within the already covered patio footprint while obtaining the same additional living space via a 12' by 18' addition. Therefore, the requested variance cannot be considered the minimum necessary to afford relief.

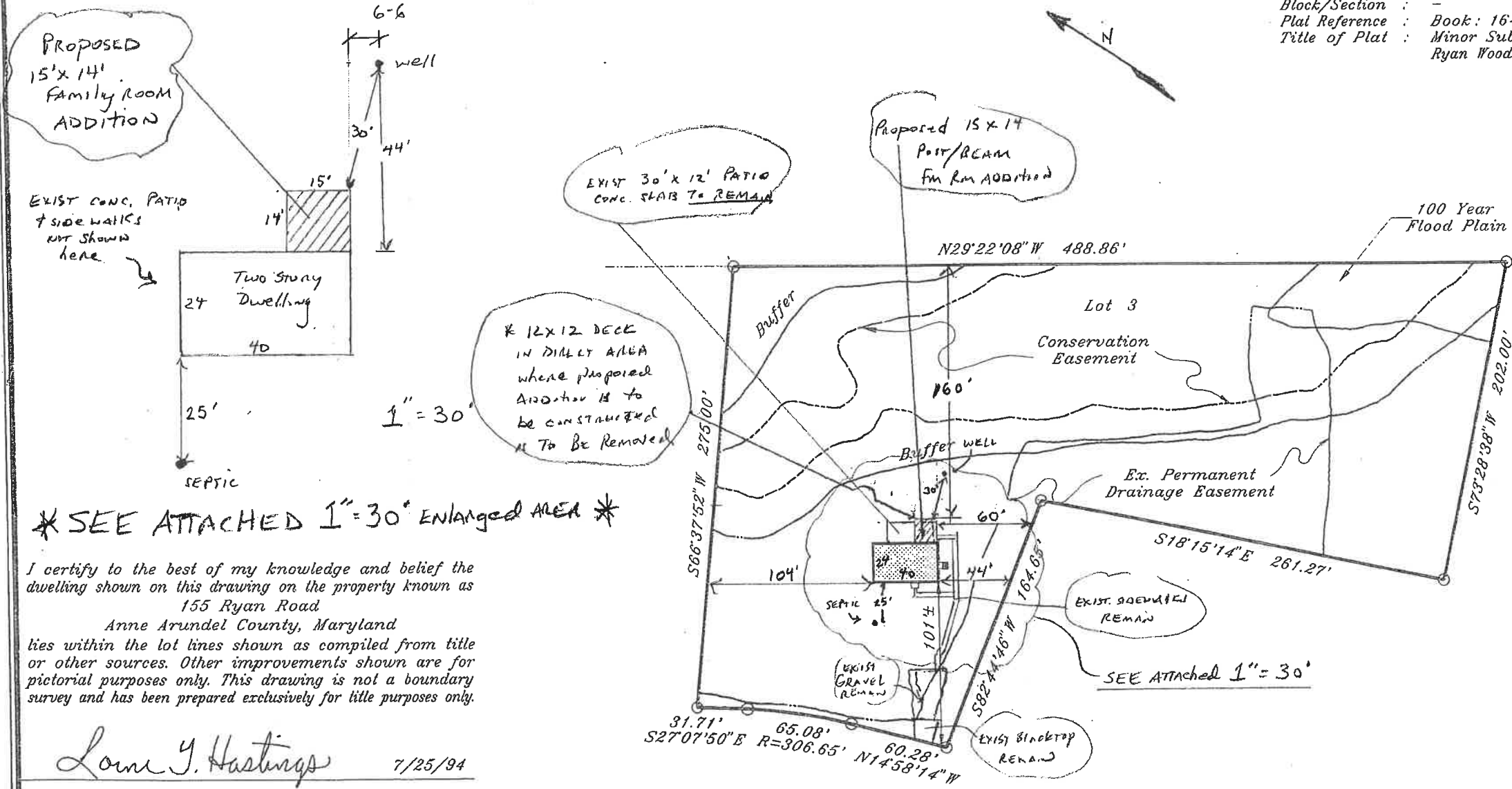
#### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of a bog protection area variance to § 17-9-206(a).

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.

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Lot Number : 3  
Block/Section : -  
Plat Reference : Book : 164 Page : 16  
Title of Plat : Minor Subdivision Plat  
Ryan Woods



**\* SEE ATTACHED 1" = 30' ENLARGED AREA \***

I certify to the best of my knowledge and belief the dwelling shown on this drawing on the property known as 155 Ryan Road

Anne Arundel County, Maryland lies within the lot lines shown as compiled from title or other sources. Other improvements shown are for pictorial purposes only. This drawing is not a boundary survey and has been prepared exclusively for title purposes only.

*Louise J. Hastings* 7/25/94

Ruxton Design Corporation  
8422 Bellona Lane  
Towson, Maryland 21204  
(410) 823-5000

Fax (410) 823-0115

Scale 1" = 80'

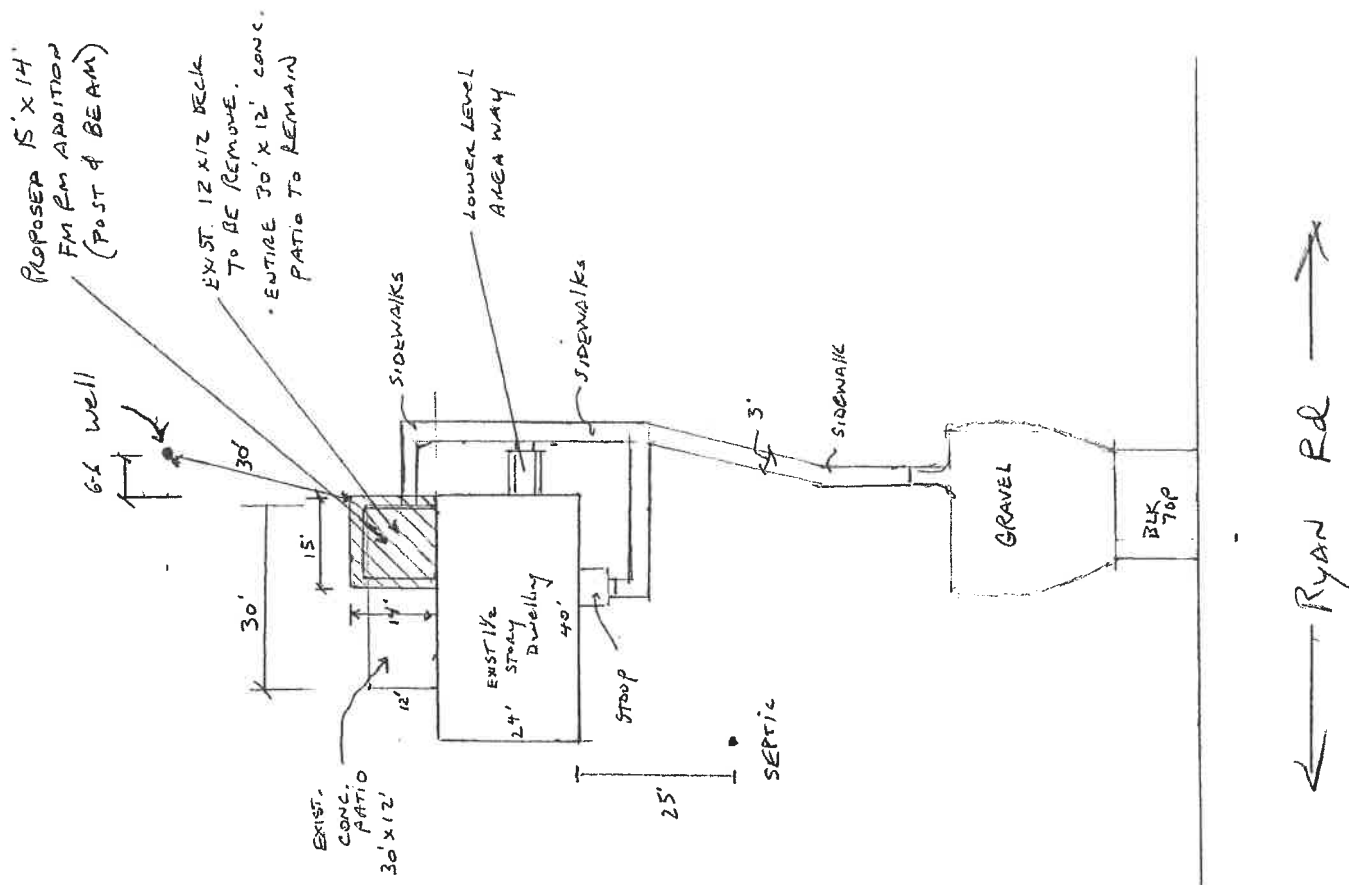
94-0135P

RYAN ROAD

Dwelling lies in Flood Zone C  
(F.E.M.A. Map Panel Number 00000 0000 D, Dated 01/01/91)

155 Ryan Rd  
(1" = 30')

PARTIAL LOT - HOUSE, CONCRETE, DECK,  
SIDEWALKS, & PROPOSED ADDITION



30  
21  
S1 of 1/4 ACRT. UNIT  
CONCRETE

To Whom It May Concern,

We are writing in support of our request for a Building Permit for our residential, single-family home for the purpose of demolition and replacement of an existing deck with a much-needed living space addition to the upper level.

Purchasing and building our home built in 1994 and the deck built with the home has had replacement of boards, annual cleanings with protectants following but the maintenance is increasing in the amount of materials and the cost. We would like to replace the existing deck with an addition to the home to allow us to enjoy our wooded lot from a space that does not include mosquitos and other insects. This deck is built over an impervious surface, a concrete patio, that came with the new home. The requested addition to the home will have minimal impact on drainage, as it is already in place.

We believe that as we approach our retirement years that the continued maintenance of the deck will only increase. We believe it is necessary to replace it with a closed in space that will be virtually maintenance free.

We realize we are fortunate to have obtained this land in 1994 and have allowed the wetlands on our property to flourish and take their natural course without interference from us.

We also now have the hardship of a mother living in the home who is 100% home bound. She currently occupies the lower level of our home which we can now no longer use. She may very well need a live in care giver soon so that will only increase the hardship of living space within the home.

I have been working from home since the COVID-19 event beginning in March of 2020 and have occupied an existing bedroom as my home office. This is unfair to my wife as she no longer has a room that she enjoyed for her use available. She is a United States Army Veteran and 100% Disable by Social Security since 1997 and is also home bound.

With both my wife and her mother home bound, the addition of space will allow for a more fulfilling life as it will be overlooking our wooded lot and wetland. Unlike many surrounding us, we have not interfered with this land and its vegetation and animals. We simply observe and enjoy the space.

Currently, we believe it is necessary and prudent to replace the existing deck to improve our quality of life by adding this small addition over the existing impervious surface to continue to safely enjoy the same rights as those commonly experienced by our neighbors and others who reside in our area.

Sincerely,

Michael and Nancy Means  
155 Ryan Road  
Pasadena, MD 21122

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CRITICAL AREA COMMISSION  
 CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_

Tax Map #	Parcel #	Block #	Lot #	Section
0024	0114		3	

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

\*Complete Only Page 1  
General Project Information

Tax ID: 3000 - 9008 - 5520

Project Name (site name, subdivision name, or other) Michael Means  
Nancy Means

Project location/Address 155 Ryan Road

City Pasadena Zip 21122

Local case number \_\_\_\_\_

Applicant: Last name Memmel First name Joseph

Company JJM Home Improvements Inc.

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

- |                           |                                     |                   |                                     |
|---------------------------|-------------------------------------|-------------------|-------------------------------------|
| Building Permit           | <input checked="" 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 \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Residential Dwelling

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		
LDA Area		
RCA Area		
Total Area		

Total Disturbed Area Acres Sq Ft  
  210

# of Lots Created  $\emptyset$

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		2673
Created Forest/Woodland/Trees			New Lot Coverage		2724
Removed Forest/Woodland/Trees			Removed Lot Coverage		$\emptyset$
			Total Lot Coverage		2724

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

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

Variance Type

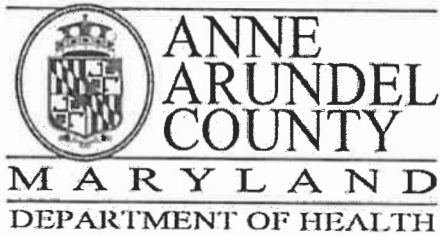
Buffer   
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

BOG

Structure

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





J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7193 Fax: 410-222-7479  
Maryland Relay (TTY): 711  
www.aahealth.org

Nilesh Kalyanaraman, MD. FACP  
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*  
Bureau of Environmental Health

DATE: September 12, 2022

RE: Michael & Nancy Means  
155 Ryan Road  
Pasadena, MD 21122

CASE  
NUMBER: 2022-0126-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department does not have an approved plan for the project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterline Seay



## **Anne Arundel Soil Conservation District**

**2662 Riva Road Suite 150  
Annapolis, Maryland 21401  
410-571-6757 [www.aascd.org](http://www.aascd.org)**

**Advancing the Wise Use of Our Natural Resources**

09-06-2022

Ms. Ramona Plociennik  
Office of Planning and Zoning  
Anne Arundel County Heritage Office Center  
2664 Riva Road, MS #6301  
Annapolis, MD 21401

Subject: MEANS M & N 2022-0126-Y; AASCD# 2022-0371

The variance received August 30 2022 has been reviewed and the District defers to the Office of Planning and Zoning. The District will provide comments during the sediment control review.

Sincerely,  
Justin Valkos  
AASCD



## MEMORANDUM

TO: Summer Handy, Zoning Division  
Office of Planning and Zoning

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2022-0126-V

DATE: September 6, 2022

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The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to Anne Arundel County greenways, parks, and trails. Please note our recommendations according to those findings below.

- This variance requests a dwelling addition with less setback and buffer than required
- This site is not contiguous to a park, trail or greenway. The site does lie in the Cockeyes Creek Bog 100' and 300' buffers.

The Department of Recreation and Parks has no further comments.

cc: File



Sara Anzelmo &lt;pzanze99@aacounty.org&gt;

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**2022-0126-V Supplemental**

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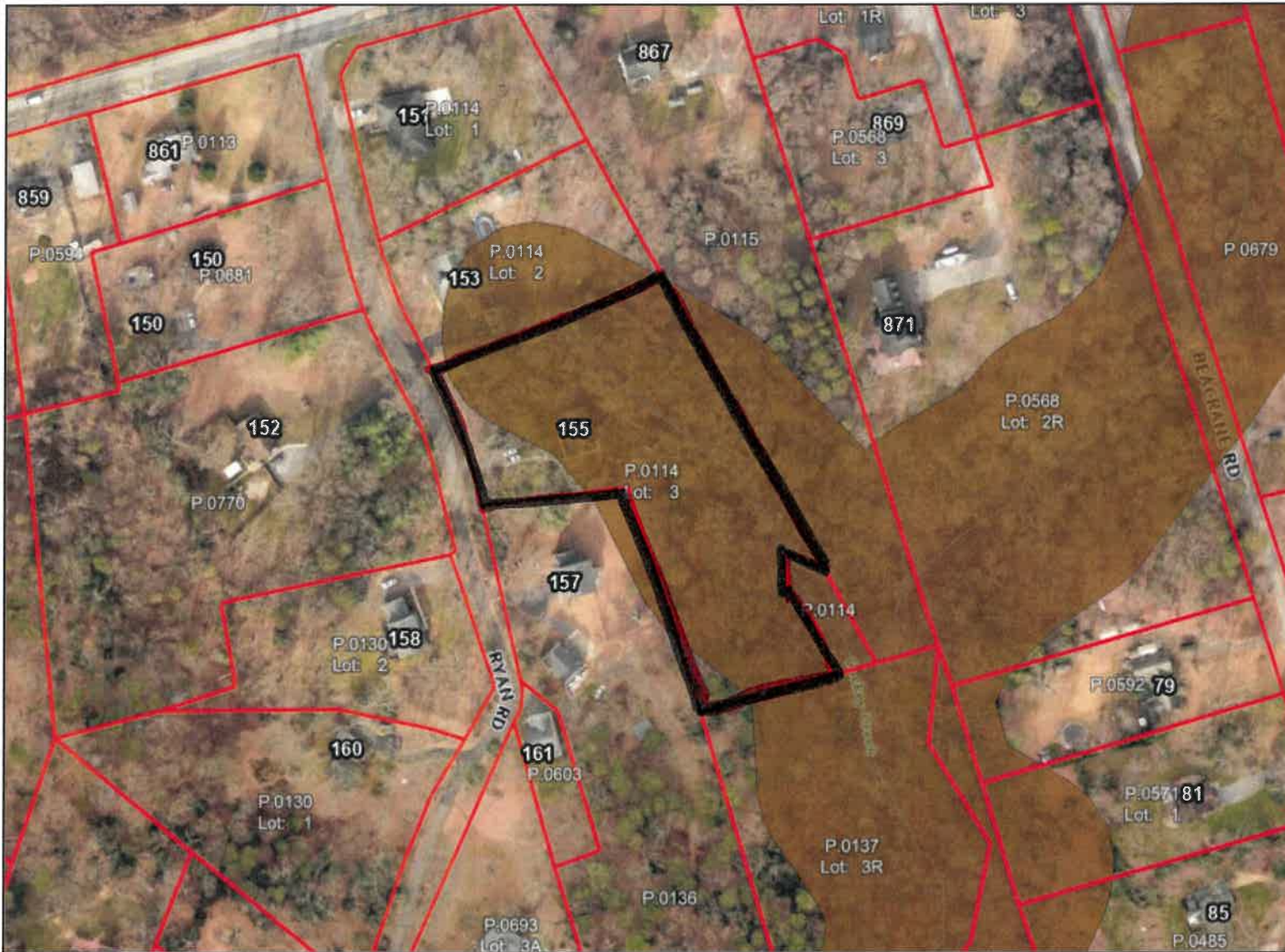
**Kelly Krinetz** <pzkrin00@aacounty.org>  
To: Sara Anzelmo <pzanze99@aacounty.org>

Thu, Sep 22, 2022 at 4:40 PM

Development within the 100' buffer to Bogs or Bog streams is prohibited. Bogs are unique communities that can be destroyed in a matter of days but require hundreds, if not thousands, of years to form naturally. Bogs are low in the nutrients needed for plant growth, a condition that is enhanced by acid forming peat mosses and any change in hydrology through grading or an increase in lot coverage can be detrimental to the health of the Bog. Prefile recommendations were to redesign the addition so that there would be no additional coverage beyond what currently exists and therefore no change to the runoff within the buffer. No changes were made to the proposed construction and this Office cannot recommend approval of this application.

[Quoted text hidden]

2022-0126-V



### Legend

Foundation  
Addressing

Parcels



Parcels - Annapolis City



Environment

Bogs

Bog 100 Foot  
Buffer



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