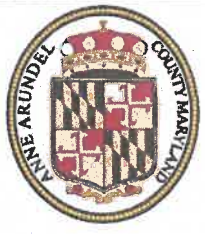


For Office Use Only

CASE# 2022-0149-V
FEE PAID 250-
DATE 9/21/22



For Office Use Only

ZONE RLD/OS
CRITICAL AREA: IDA ___ LDA X RCA X
BMA: Yes ___ No X
NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): Deborah & Brian Hodgson
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 441 Shady Lane, Pasadena MD 21122

Property Location: 177 feet of frontage on the (NW) side of Shady Lane;
(Enter Street Name)
1494 5280 feet (SW) of (Nearest intersecting street) North Shore Road Leatherleaf Ln.
(Enter Street Name)

12-digit Tax Account Number 3000-2803-8000 Tax District (3) Council District (3)

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 35940/00392

Zoning District RLD/OS Lot # NA Tax Map 0024 Block/Grid Grid 24 Parcel 0885

Area 2.01 (Acres) Subdivision Name On Black Hole Creek

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)
To permit a 12' x 38'-4" open deck w/steps within the steep slopes buffer. Further detailed in the letter of explanation. To include variance with expanded buffer.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Micelle Clary Owner's Signature Brian Hodgson
Print Name Micelle Clary Print Name Brian Hodgson
Mailing Address PO Box 310 Mailing Address 441 Shady Ln
City, State, Zip Usbon MD 21765 City, State, Zip Pasadena MD 21122
Work Phone 443-610-7514 Work Phone NA
Home Phone NA Home Phone NA
Cell Phone 443-610-7514 Cell Phone (720) 454-8154
Email Address micelle@appliedandapproved.com Email Address hodgsonba@gmail.com

*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: gag 9/21/22
Initials Date

Variance to allow a dwelling addition (deck) with less setbacks than required and distance to slopes of 15% or greater

Letter of Justification

The owner is proposing to construct a 12' x 38'-4" (414 sf) open deck with steps on the rear of their single-family dwelling. This deck will be pervious, with spacing between deck boards. It is also constructed on post and pier foundation, limiting all supporting members to 6"x6" posts in order to minimize ground disturbance. The deck will be constructed on the first floor of the existing house which is elevated above a partially underground basement. There is a second story on the existing house as well, so the proposed 9' deck height is well below the existing 28'-30' height of the principal structure.

The comments received from the county indicate that a variance is needed for being within steep slopes of 15% or greater, or their required buffers. The comments continue to explain that there shall be a 100-foot buffer landward from the mean high water line of tidal waters, the edge of the bank of a tributary streams and landward of a tidal wetlands. The 100-foot buffer shall be expanded beyond 100 feet to include contiguous sensitive areas, such as slopes of 15% or greater. If there are contiguous slopes of 15% or greater, the buffer shall be expanded by the greater of four feet for every 1% of slopes or to the top of the slope and shall include all land within 50 feet of the top of the slopes.

After this explanation, the comments then state that this proposed construction will be within the buffer to the tidal waters. That seems to insinuate that it is speaking of the 100-foot buffer. This cannot be the case as the proposed deck is 97' to the property line. However, the property has several feet of open space between this property and the water line. In fact, this area changes to an open space zoning and it is clearly shown on the critical area, buffer, and topography maps provided by the county.

Regardless, despite the comments not saying so, it is assumed that the second part of the explanation regarding the *expanded buffer* may apply due to the steep slopes. In this case we would offer that the existing single-family dwelling would also be almost entirely in the 50 feet of expanded buffer due to the slopes. In fact, the proposed deck is going NO closer to the slopes, buffer, or waterline than the existing house does now. Even the stairs were designed to be built into the deck and not protrude any further into the rear yard than the existing house presently does.

Photographs of the proposed construction area show that the yard at the house is nearly flat, not sloped. The lot is a VERY peculiar shape. It could be stated that there is not a single other lot in the area with this shape. It is also almost entirely wooded. No vegetation needs to be removed for the proposed construction. The placement of the house at time of construction was such as to minimize the amount of clearing of the vegetation. That placement is what lends itself to the issue at hand. Combined with the peculiarity of the shape of the lot, the owner would experience a practical difficulty not bestowed on neighboring properties.

In fact, due to the shape of the lot and the location of the existing house being nearly entirely within the 50-foot expanded buffer, it could be argued that both provisions of 18-16-305(a) regarding variance approvals would apply in this case:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Despite fitting so appropriately into the justifications for variance approval, we actually feel that more compelling is the fact that the deck will not extend any further toward the water, slopes, or buffer than the house currently does. There is no increased impact to any of these areas. For all reasons outlined, we respectfully ask for support in this request.

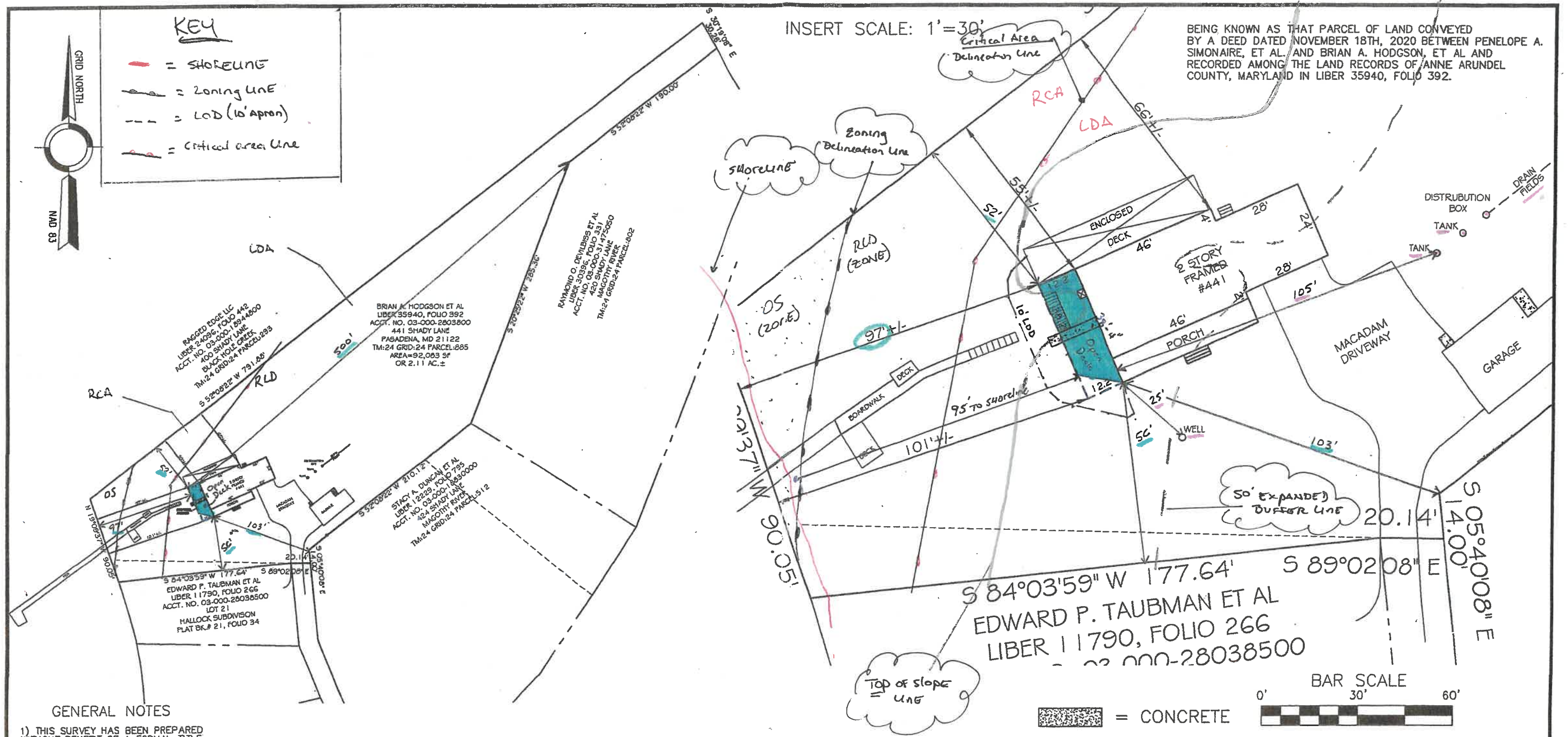
KEY

- = SHORELINE
- = Zoning LINE
- = LoD (10' Apron)
- = Critical Area Line

GRID NORTH
NAD 83

INSERT SCALE: 1"=30'

BEING KNOWN AS THAT PARCEL OF LAND CONVEYED BY A DEED DATED NOVEMBER 18TH, 2020 BETWEEN PENELOPE A. SIMONAIRE, ET AL. AND BRIAN A. HODGSON, ET AL AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 35940, FOLIO 392.



GENERAL NOTES

- 1) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
- 2) THE INFORMATION SHOWN HEREON IS BASED ON THE DEEDS AND PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF ANNE ARUNDEL COUNTY, MARYLAND. BEARINGS SHOWN HEREON ARE REFERENCED TO NAD 83.
- 3) THIS SURVEY DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED
- 4) THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED ON MAY 15, 2021.
- 5) NOTE THIS DRAWING NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE.

JESSICA A. KING
MD REG. #21684
EXP. 12/22
JUNE 1, 2021

THIS IS TO CERTIFY THAT THIS PLAT WAS MADE IN ACCORDANCE WITH COMAR 09.13.06.10 MINIMUM STANDARDS AND PROCEDURES FOR A SPECIAL PURPOSE SURVEY. THE VISIBLE IMPROVEMENTS ARE SHOWN TO A TOLERANCE OF 1 FOOT MORE OR LESS.



PROPOSED SITE PLAN FOR
ACCOUNT #: 03-000-28038000
441 SHADY LANE
PASADENA, MD 21122
TAX MAP: 0024 PART OF PARCEL: 0885
THIRD ELECTION DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

King's Point Surveys, Inc.
8019 Long Hill Rd.
Pasadena, MD 21122
410-255-1378 jking@kingspointsurveys.com

| |
|-----------------|
| DRAWN: JAK |
| CHECKED: JAK |
| DATE: 06-01-21 |
| JOB # 2021-2109 |
| SCALE: 1"=100' |
| SHEET: 1 OF 1 |