

Letter of explanation

Property 344 Shady Lane Pasadena does not meet the:

(1) Except as provided otherwise in this article, the following bulk regulations are applicable in an RLD District:

Minimum lot size	40,000 square feet
Maximum coverage by structures	25% of gross area
Minimum width at front building restriction line, for waterfront lots the building restriction line is measured from the rear lot line	150 feet
Minimum setbacks for principal structures:	
Front lot line	50 feet
Rear lot line	40 feet
Side lot line	20 feet
Combined side lot lines	30 feet
Corner side lot line	40 feet
Principal arterial road	75 feet

(excerpt from § 18-4-401.)

(b) **Setback from certain slopes.** A 50-foot planted buffer area shall be located and maintained between the principal structure and the crest of steep slopes.

100F/50F planter buffer setback – variance required:

The 2nd floor screen room will be erected on a section of the site which is already covered by an impervious patio. Additionally, the owner of the property will be able to more readily enjoy the property and its location through the addition of this screen room which will be located on the 2nd floor – it is NOT a ground floor construction.

340 Shady Ln has an equal if not less distance from the water than 344 Shady Ln. The addition will not encroach on neighbors' views nor provide any obstruction of any kind. Address 347 Shady Lane also sits less than 100f from the water.

The sea wall at the foot of property prohibits any subterranean movement either horizontally or vertically, the soil type is also stable and non-moving – for that reason structurally, this addition would not cause any adverse impact on the site.

Ordinance excerpt:

Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

The “spirit of the law” is being observed in the aforementioned detail provided, the contract will and always has observed all regulations to maintain the property in the most efficient manner so as to no affect the stand adversely in anyway what so ever.

Regarding variance for constriction close to or near a 15° slope

Ordinance excerpt:

§ 17-8-201. Development on slopes of 15% or greater.

(a) **Development in the LDA.** 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. All disturbance shall be limited to the minimum necessary.

(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;

The ground in the vicinity of the patio/screen room is 3° or less and does not fall within a 15° slope area, that area is still some feet from the actual construction area (as shown on the site plan) the screen room will be erected on. Footers 3’ deep will hold the posts set in stable ground which has no subterranean movement what so ever. The topographical lines are 3.28’ apart – meaning the grade per the site plan is entirely stable and merely permits rainwater runoff at a slow speed.

Section 18-4-401(a) for the 50-foot setback from the waterfront lot line.

The screen room would reduce the distance from 50' to 33.9', there would however be absolutely no impact on the lot – environment WILL NOT be affected in any way as the screen room will sit above an already impervious surface negating any additional ground disturbance other than excavating for the footings within the exact same footprint of the already impervious surface. The fact that the face of the 2nd story screen room would be less than 50' from the waterfront is entirely irrelevant when considering the stability of the ground at grade level and the fact that the surrounding environment will not in any way be adversely affected but it erection.

(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;

It is apparent that the lot narrows at the front extend at the waterfront resulting in the distance from front face to water will be 33.9' – this however is insignificant due to the stability of the soil, in that further construction will not cause any adverse effects on the property as it currently stands.

(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; or

(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;

Once the screen room has been erected the owned will be able to enjoy more fully the lot and its view of the water WITHOUT affecting anyone or anything near to or part of the neighborhood. The construction being a 2nd story and not both also factually reduce the total built weight of the finished construction further emphasizing the impossibility of even a land slide.

(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;

The owner of the property lawfully acquired the property through all legal means and wishes to erect a very common screen room to more fully enjoy his views, this screen room is absolutely nothing out of the ordinary and is a means of enjoying the property he owns. It will not cause any hinderance to environmental wellness – animal above ground or below nor water bound.

(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;

Hopefully this paragraph speaks for itself as a variance would not currently being applied for if the owner had originally cause this hardship.

(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;

The proposed screen room affecting the water quality or fish life is an absolute IMPOSSIBILITY. Its reach is purposeful, only areas touching the ground are the footers, no environment endangering chemicals will be used and there will be no far reaching ground water seepage of anything and if there was there is additionally the sea wall which would prohibit the additional travel of said seepage into the water.

(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;

This has been met and no natural features will or are to be affected by the erection of this addition as it will sit directly above an existing impervious surface. No utilities are necessary for the use of the proposed screen room – in that, none will be moved nor affected.

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

The 'presumption' that this addition will affect the property is entirely ill based as the evidence provided proves that it will cause no adverse environmental affects WHATSOEVER. The 10 foot buffer has been provided on the site plan and will not be passed during and through the construction of said screen room. There is no part of this screen room that will create any environmental hardship what so ever.

(ii) substantially impair the appropriate use or development of adjacent property;

What must be noted in this point is that a screen room is not a livable part of a domicile, it is a SUMMER recreational room or fort of sort. It is not reasonably usable outside of specific seasons. It is therefore a recreations room on the 2nd story to be enjoyed at certain times of the year. A neighbor cannot contest their livable extension off of a non-livable – which this is. With it being a non-livable extension, the actual weight of the structure is drastically reduced, further emphasizing its lack of any impact on the land it stands on or any shrubbery surrounding it.

On variance pertaining to lot coverage

Ordinance excerpt:

(b) **Expansion of existing lot coverage.** Lot coverage added during the expansion or replacement of an existing structure shall meet the following criteria:

(1) No new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.

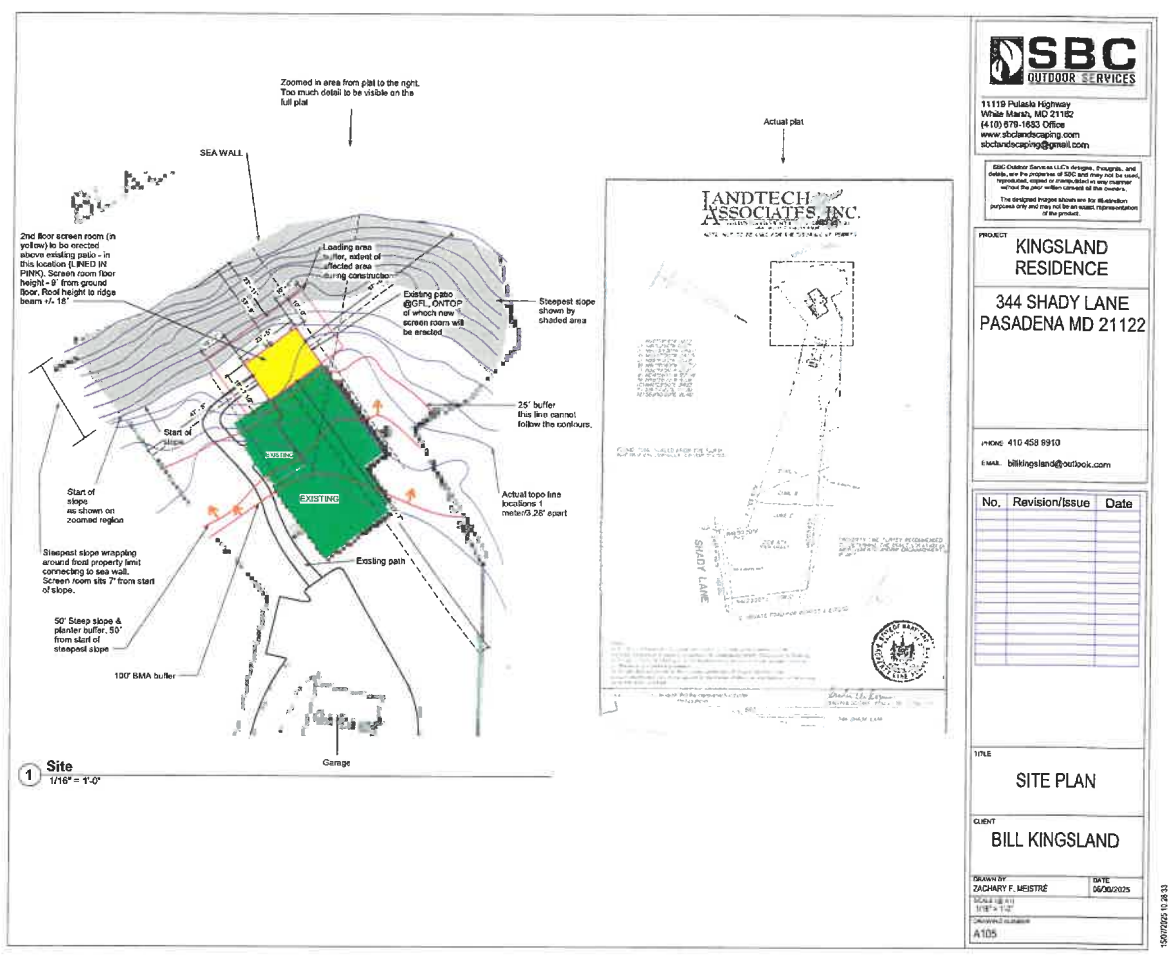
(2) The structure or expansion shall be designed and located to maximize the distance from the shoreline and to enhance and protect the environmentally sensitive features on the site, taking into account the natural features.

(3) Variances to the setback requirements of the underlying zoning shall be considered before buffer disturbance.

§ 17-8-402. Lot coverage limits in the critical area. (a) General limitation. Except as provided in subsections (b) and (c), lot coverage shall be limited to 15% of the area of each critical area designation on a site based on the acreage of each designation.

Lot coverage as it stands is 1640SF of above ground finished area, with the screen room being constructed the total finished above ground area will sit at 2008 SF – the permissible being 15158 SF (11510 SF above ground remaining until the limit is reached). It must be noted that the area in which the screen room will be erected sits within an area holding an impervious patio so the construction with its final built 2nd story room will solely impact the existing patio by the excavation of the patio itself, no further construction outside of those bounds will occur. **No further site impact will occur above ground. The total to be finished above ground is well within the permissible.** The addition of the screen room will not affect the lot in anyway what so ever – none of the existing foliage will be affected nor will the existing lot coverage increase outside of what is already impervious – it is understood that “The screened porch over the area of existing patio does not meet the definition of in-kind replacement; therefore, a variance to this provision is required.” – this statement in no way brings an understanding to the fact that the screen room will take up no further space with regards to ground removal – the screen room will **NOT AFFECT THE ENVIRONMENT AT ALL.**

We request your understanding in this matter as the proposed structure will not affect the water nor the existing shrubbery. The screen room will be erected directly on top of the existing patio, no additional ground floor disturbance will be had. The denying of this variance will result in the owner not being able to enjoy their property as they wish – to this, all appropriate reviews have been undertaken by the contracting company to additionally affect the property as LITTLE as possible – the contracting companies sole purpose is to aide residence in further enjoying their immovable property as much as possible by abiding by all county regulations within a projects scope of work.



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: 06/02/2025

Tax Map #	Parcel #	Block #	Lot #	Section
0024	0270			

Tax ID: 18013680

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Kingsland screen room

Project location/Address 344 SHADY LN PASADENA

City MD Zip 21122

Local case number

Applicant: Last name Crist First name Brad

Company SBC LANDSCAPING

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:

Screen room is to be erected within the same footprint of the existing patio BUT on the 2nd level

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	2.32	
RCA Area		
Total Area		

Total Disturbed Area

Acres	Sq Ft
	2968

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		20226	Existing Lot Coverage		2968
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees		2974	Removed Lot Coverage		
			Total Lot Coverage		2968

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 ☐

Structure

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

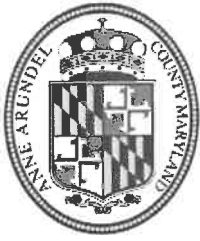
Screen room

The property is residential, owner occupied.

Property is currently entirely enveloped in trees, none of which will be damaged during or after construction of the screen room.

There will be no impact on water quality as the construction will consist of posts in the ground within the footprint of an existing impervious patio.

2968 sf of impervious will be constructed. Name is equal before and after as the structure is to be erected above an existing patio.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0056-P)

DATE OF MEETING: 06/23/2025

P&Z STAFF: Donnie Dyott, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Brad Crist EMAIL: brad.crist@sbclandscaping.com

SITE LOCATION: 344 Shady Lane, Pasadena LOT SIZE: 2.32 Acres ZONING: RLD

CA DESIGNATION: LDA BMA: Y or BUFFER: APPLICATION TYPE: Variance

Based on comments from building permit B02436925, it appears that the applicant wishes to construct a screen porch on the existing dwelling, however the site plan is inadequate and this Office cannot confirm that. The comments reference that the proposal will require a variance to the 50 foot RLD planted buffer, the front lot line setback in the RLD District, disturbance to slopes of 15% or greater and for new lot coverage nearer to the shoreline than the closest facade of the principal structure.

COMMENTS

The **Critical Area Team** commented this Office cannot support further encroachment into the buffer/setback with additional development. Based on aerial photos, there is an upper level deck on the eastern side of the structure that could be covered/enclosed to provide a protected outdoor amenity.

Zoning Administration Section: The site plan as provided is inadequate for submittal and must be revised should the applicant wish to apply for a variance. The site plan needs to clearly label the proposed improvements with dimensions to the property lines, show the location of the 100 foot buffer and steep slopes and the location of the 50 foot planted buffer from steep slopes. The letter of explanation is also inadequate for submittal as it does not describe the proposal, the variances required and provides no justification on how it meets the variance standards found in 18-16-305. The variance application will not be accepted until adequate materials are provided.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** 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.

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.