

6.17.25

Variance Request Letter of Explanation
1075 Shore Acres Rd
Arnold, MD 21012

Dear All,

We would like to replace our side porch and waterside deck which had been on our home since our father updated the house in 1986. It has been greater than 18 months since we tore the deck down secondary to rot. Therefore, we are in need of a variance of 6' to the minimum 25' setback requirement to construct our waterside deck.

We are in need of only one variance since our pre-file comments which lists two variances are needed. Since the pre-file comments, we have had multiple conversations with Jennifer Lechner and Esme Donato who determined we will not be needing the second variance for the "cement patio at the base of the stairs", as indicated in our pre-file comments. Jennifer and Esme, have classified the cement at the base of the deck stairs "a cement walkway" citing: Natural Resources Article, §8-1802(a), Annotated Code of Maryland. Which states:

(iii) "Lot coverage" does not include:

2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

The revised, submitted deck plans include the cement walkway being 6' wide.

Again, we would like a variance of 6' to the minimum 25' front setback requirement. And would like to provide reasons for the same in response to § 18-16-305.

18-16-305

(b)

(1) It would be a hardship to not have the deck on the front of the house because we use the deck to bring handicapped family members and babies in strollers to the outdoors on the waterside. Because of the narrowness and shallowness of the lot and the current position of the house a variance is needed for the setback. The lot does not allow for a side deck. The goal of the family is to replace the former deck in the same location. This was a deck which our father, who is no longer with us, designed and built in 1986 with his own hands. There is no other place to position the deck.

(2) We need the variance approval because without it we would be deprived of rights commonly enjoyed by our neighbors who are enjoying decks which do not comply with the 25' setback. The original homes in this area were constructed/placed in the 1930's, and rebuilt in the 1980's before the 25' setback requirement.

(3) The granting of a variance will not bestow on us any special privilege that would be denied by COMAR, Title 27.

(4) We had begun the building process without a permit but are committed to moving forward with a permit. The variance request does not arise from any condition relating to land or building use on any neighboring property.

(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.

(6) The variance that we are requesting does not effect drainage, stormwater management, runoff, and the impervious structures are less than 25%. Our lot is one-half acre or less that existed on or before December 3, 2001, and our impervious surface may be 25%. Our lot is 8000 sq feet; the proposed impervious coverage is 1922 square feet, which is in compliance. The footers and cement pads are in place. We plan to place sod if we disturb any soil.

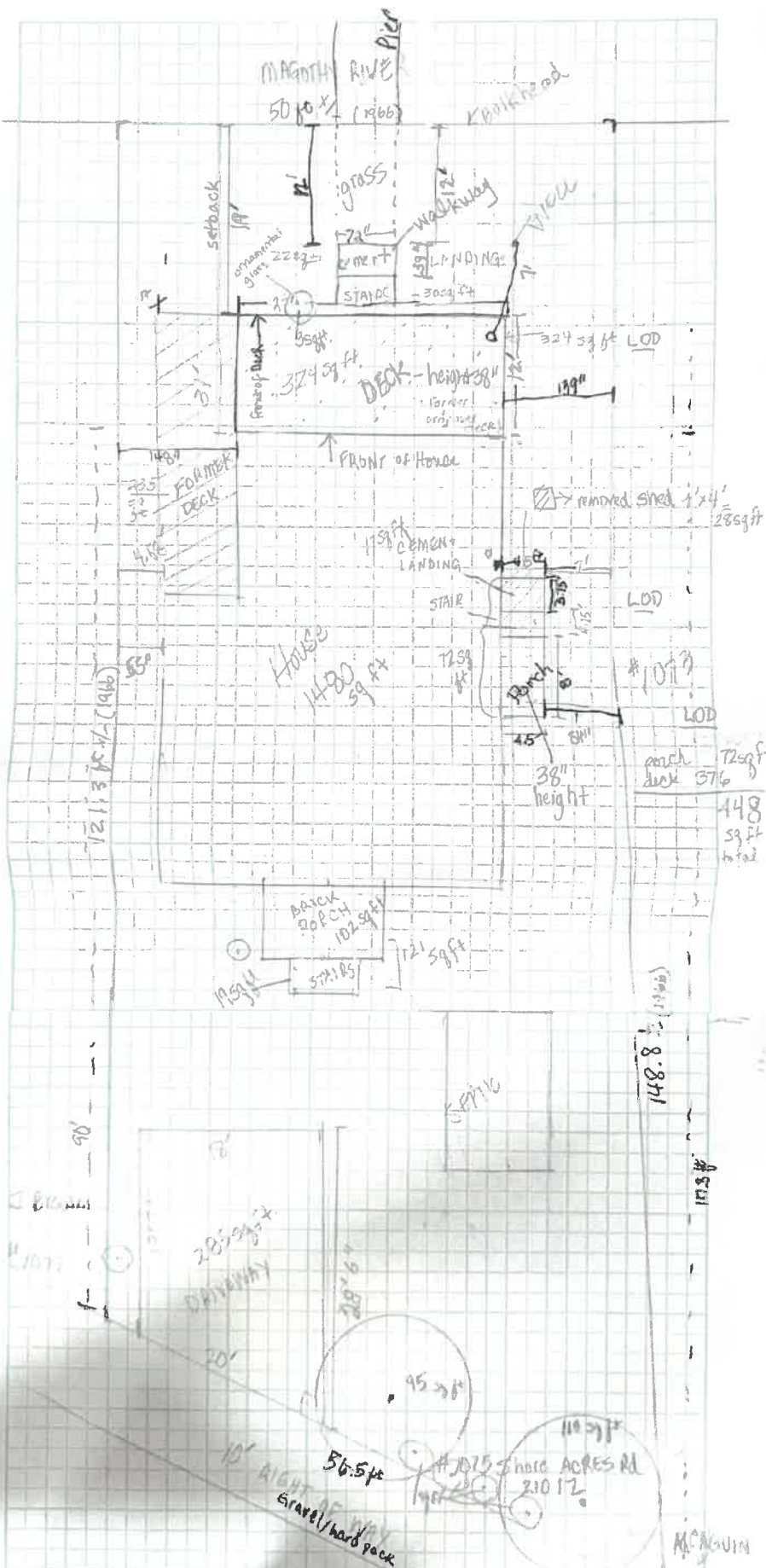
(7) We have read 8-1808 and will abide by the contents. We, by competent and substantial evidence, have overcome the presumption contained in the Natural Resources Article, § 8-1808.

(8) We have evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

(c) Yes, the variance is the minimum variance necessary to afford relief and will not alter the essential character of the neighborhood or district of Shore Acres. It will enhance the character of the neighborhood; it will not substantially impair the appropriate use or development of any adjacent property. The adjacent properties will not be affected. The neighbors to either side have similar decks in place. The requested variance will not reduce forest cover in the limited development and resource conservation areas of the critical area. No trees or plants will be affected or disturbed. We will not be clearing and replanting in the critical area or a bog protection area. The granting of the variances will not be detrimental to the public welfare.

Thank you for considering our request. Thank you to those who helped us in this process.

Most Sincerely,
Patricia A. Farley and Family



MARY BRYL CAE TRUST

Patricia Farley (trustee)

1075 Shore Acres Rd, Arnold MD 21012

3744-0618-8300

Violation B-2025-1174

VARIANCE - 3rd
056926

18' to Shore
Acres Rd
CR.

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: 7/1/25

Tax Map #	Parcel #	Block #	Lot #	Section
			33	Shore Acres

Tax ID: 374 9-0618-8300

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)	Deck & side porch replacement			
Project location/Address	1075 Shore Acres Rd, Arnold			
City	Arnold	Zip	21012	
Local case number				
Applicant:	Last name	Farley	First name	Patricia
Company	Mary Pryl Cole Trust (trustee)			

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:

side porch + water side deck - family use

Intra-Family Transfer ☐
Grandfathered Lot ☐

Growth Allocation ☐
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		8000
RCA Area		
Total Area		

Total Disturbed Area

Acres	Sq Ft
	426

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		220	Existing Lot Coverage		1886
Created Forest/Woodland/Trees		0	New Lot Coverage		1922
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		-
			Total Lot Coverage		1922

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 ☐

1075 Shore Acres Rd, Arnold, MD 21012

Critical Area Report Narrative

The subject property use is residential.

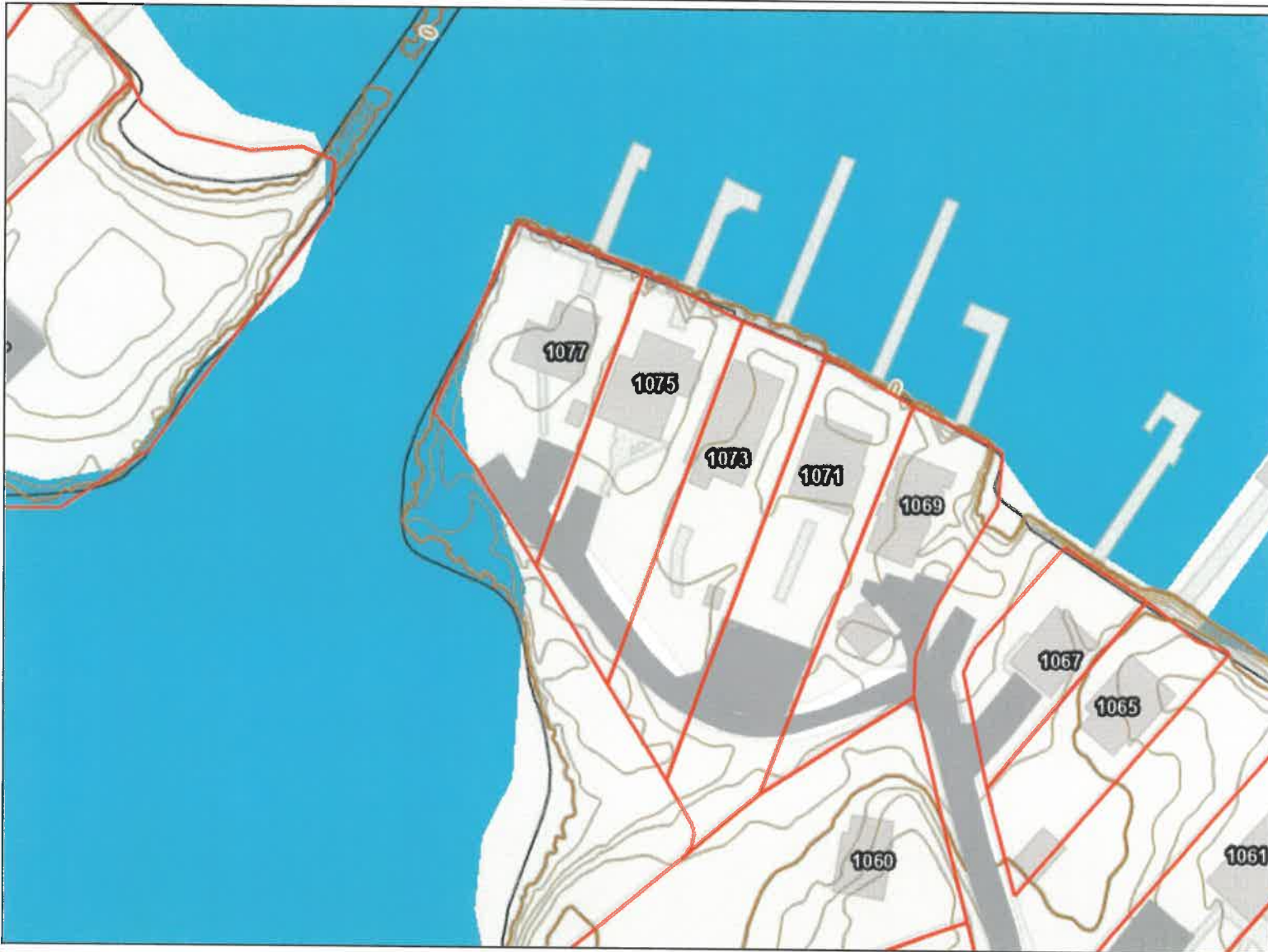
The predominant trees are two large Holly Trees. There are 6 ornamental grasses on the property. There is one Crepe Myrtle scrub. The vegetated square footage is 220 sq feet. The area of disturbance on the property is 426 square feet. No vegetation will be disturbed by the addition of the side porch or deck. The deck and porch will not affect the drainage of the property.

The disturbed soil will be replaced with sod to prevent erosion.

The impervious surface before construction will be 1886 sq ft and after construction will be 1922 sq ft.

There are no steep slopes on the property. We are unaware of any nesting birds or wildlife on the property. No wildlife habitats on the property.

1075 Shore Acres Rd



Legend

Foundation
Addressing

Parcels

Structure

County Structure

Elevation

Topo 2023

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,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

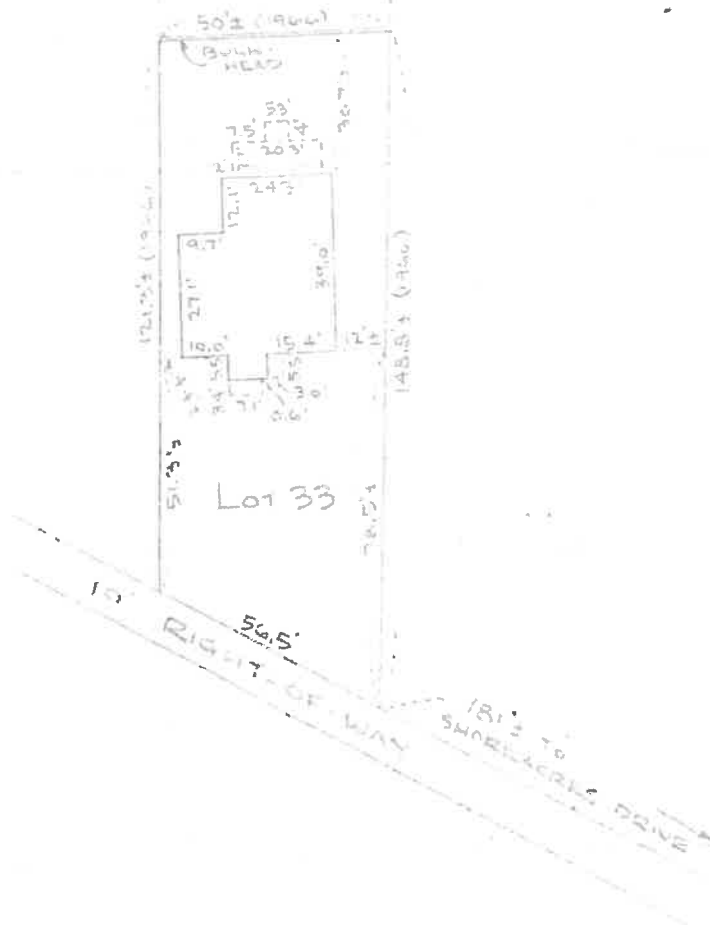
0 100 200
ft

Notes 1"=100'

MAGOTHY

RIVER

SCALE 1" = 40'



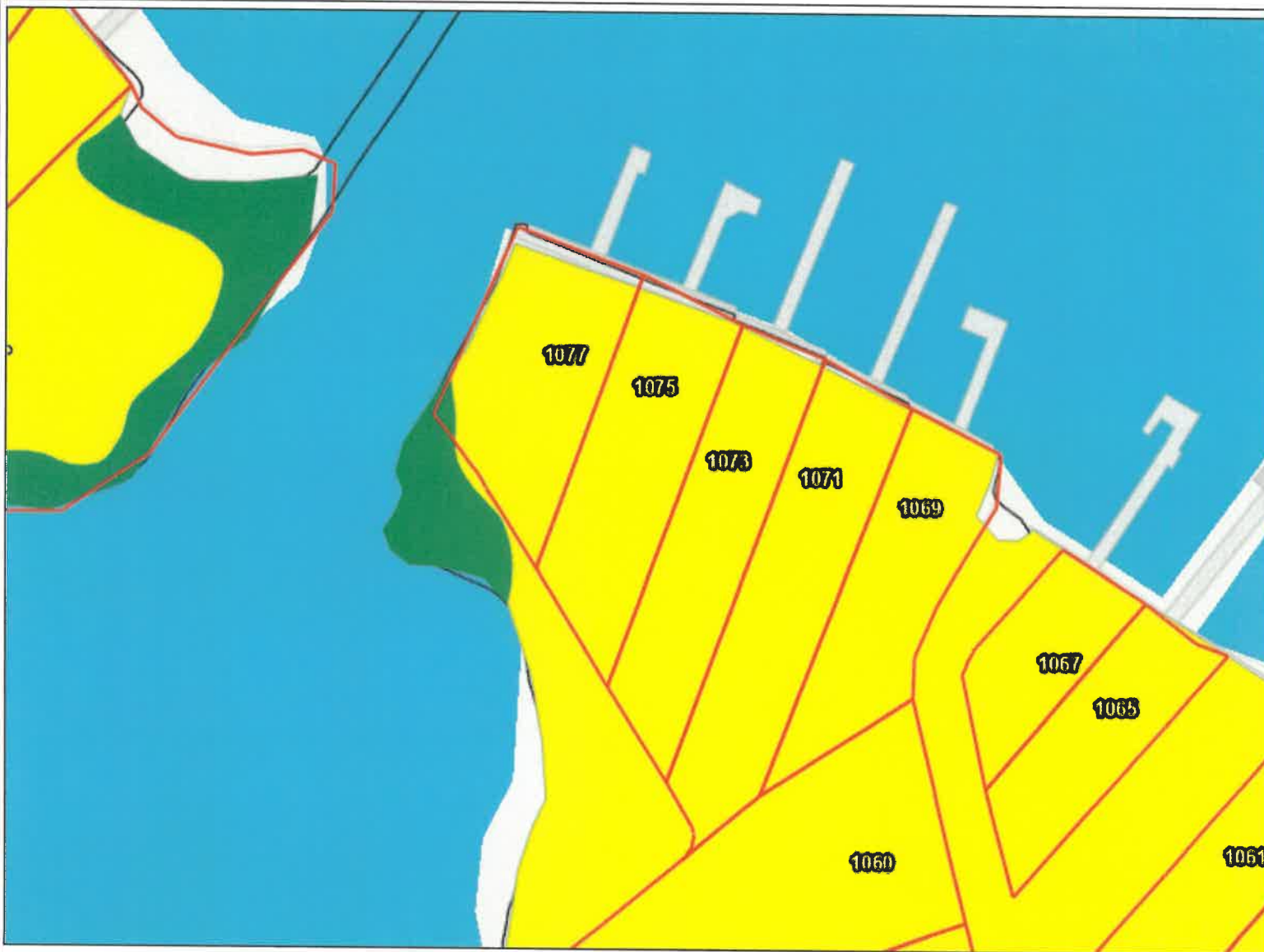
I hereby certify that the improvements shown hereon lie wholly within the boundaries of lot 33, as shown on the Revised plat of Shoracres, filed along the Land Records of Anne Arundel County, Maryland, in Plat Book No. 7, Folio 19, also shown on Plat of lots 27-36, filed among the said Land Records in Liber F.S.R., No. 60, Folio 14.

July, 1966

Franklin D. Smith
203

ALL A. 200' 200' 200' 200' 200'
AND FOR GRANTING OF A. 200' 200' 200' 200' 200'
AND FOR GRANTING OF A. 200' 200' 200' 200' 200'
AND FOR GRANTING OF A. 200' 200' 200' 200' 200'

1075 Shore Acres Rd Critical Area map



Legend

Foundation

Addressing



Parcels



Planning

County Planning

-  IDA - Intensely Developed Area
-  LDA - Limited Development Area
-  RCA - Resource Conservation Area
-  FED - Federal Land

Structure

County Structure



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,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

0 100 200
ft

Notes 1"=100'



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0060-P)

DATE OF MEETING: 06/24/2025

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Patricia Ann Farley EMAIL: lfarley727@gmail.com

SITE LOCATION: 1075 Shore Acres Road, Arnold LOT SIZE: 8,000 sf ZONING: R2

CA DESIGNATION: LDA BMA: Yes or BUFFER: N/A APPLICATION TYPE: Critical Area Variance

The applicant proposes to construct a waterfront deck and side porch. They are replacing previously existing structures; however, they have been gone for more than 18 months. As such, the proposal is not considered to be an in-kind replacement. The applicants intend to use the original footprint of the front portion of the former deck; however, the overall deck replacement will be a smaller size (324 sf vs. the former 559 sf). They will not be replacing the original wrap-around portion of the previously existing deck.

- The deck would be located 19 feet from the front lot line, necessitating a variance of six feet to the minimum 25' front setback required in an R2 District. (See Bill 72-24, effective July 1, 2025.)
- The applicant also intends to construct a 3.25' by 6.75' cement patio at the base of the proposed deck stairs, necessitating a variance to allow new critical area lot coverage nearer to the shoreline than the facade of the existing principal structure.

COMMENTS

The **Critical Area Team** reviewed the proposal and has no objection.

The **Zoning Administration Section** notes that a concrete patio at the base of deck steps is not a typical amenity of waterfront properties, and the 6.75' width of the stairs and patio seems excessive. The applicant is advised that, in order for the proposed Critical Area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every one of the Critical Area variance standards provided under Section 18-16-305(b) and (c). Therefore, the letter of explanation should be amended to address the critical area variance standards.

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.