

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

APPLICANT: James & Lori Ann Regnier

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0104-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: August 22, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting a variance to allow pilings (two) with less setbacks than required on property located at 1948 Cedar Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 7,975 square feet of land, more or less. It is located with approximately 61 feet of frontage on the north side of Cedar Road; 425 feet east of Pine Road. The property is identified as Lot 255 of Parcel 54 in Block 15 on Tax Map 18 in the Poplar Ridge subdivision.

The property has been zoned R2 – Residential District since the adoption of comprehensive zoning for the Third Councilmanic District effective January 29, 2012.

This waterfront property on Back Creek is located entirely in the Chesapeake Bay Critical Area, is classified as LDA – Limited Development Area, and is located in a mapped Buffer Modification Area.

The site is improved with a single-family detached dwelling, shed near the water, and a pier with five mooring pilings.

PROPOSAL

The applicant proposes to remove the existing mooring pilings and construct a pier extension (6' by 20'), and install two boat lifts with four associated pilings.

REQUESTED VARIANCE

§ 18-2-404 (b) of the Anne Arundel County Zoning Ordinance requires that a private pier or mooring piling shall be setback a minimum 15 feet from the extended property lines. Two proposed

pilings on the west side will be located as close as eight feet from the western property line extended requiring a variance of seven feet to the 15-foot setback requirement.¹

FINDINGS

The subject property is a trapezoid-shaped lot that is undersized and narrow for a lot in the R2 - Residential District with 50 feet of water frontage. This application relates to an existing pier with proposed modification to extend the pier and add two boat lifts. More specifically, the 7,975 square foot lot size is smaller than the minimum 20,000 square foot area and the 50-foot width is narrower required for new lots created in an R2 District without public sewer. A review of the County 2023 aerial photograph shows that the majority of waterfront properties in the immediate area contain piers, many of which also have associated pilings and/or boat lifts. The applicant's letter noted that numerous nearby residents have the benefit of boat lifts or boat slips and provided a list of six properties along Bay Front Avenue with similar improvements.

A review of the County aerial photograph from 2023 reveals that developed waterfront properties along this shoreline have piers, many with multiple slips with or without boat lifts. This Office did not discover any variance cases along this shoreline relating to piers. Properties at 1914 and 1926 Cedar Rd have piers with multiple boat lifts or slips, but these are double lots. Properties at 1936, 1938 and 1946 have multiple slips or boat lifts and no variances were found for these although they appear to not meet setbacks.

The **Development Division (Critical Area Team)** of this Office commented: The property line extensions (PLE) are correct and appropriate for this site when determining the water area available for the proposed pier expansion. It is possible a variance may not be required if the pier extension were to be re-oriented more towards the East. Understood, though, is the desire for a straight pier for aesthetic reasons. As such, the critical area team of OPZ has no objection to the variance to the side setbacks for the boat lift pilings.

The **Health Department** has no objection to the above referenced request.

The proposed variances will not be detrimental to the public welfare. Approval of the variances will not impair the appropriate use or development of adjacent property and will not impede navigation to any abutting property. The variances will not reduce forest cover in the LDA and will not be contrary to acceptable clearing and replanting practices.

Approval of the variances will not alter the essential character of the neighborhood as piers with associated slips, with or without boat lifts are a common feature of waterfront properties. Some nearby piers do contain slips or lifts on both sides, some of which are nonconforming with regard to setbacks.

The existing improvements currently provide two slips for the owners' use. The reconfiguration of the pilings will not impede the waterway of the property to the west so the addition of the pilings for a boat lift may be considered the minimum necessary to afford relief.

¹ The two pilings on the east side and the pier extension will meet setbacks and not require a variance.

RECOMMENDATION

Based upon the standards set forth in Article 18-16-305, under which a variance may be granted, the Office of Planning and Zoning recommends ***approval*** of the variance requests of seven feet to § 18-2-404 (b) to allow two boat lift pilings eight feet from the west side lot line extended as shown on the site plan.

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 legal lot status, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.