

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

APPLICANTS: Kurk, Marcella, & Patricia Hess

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2023-0116-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: September 5, 2023

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting a variance to allow pilings (four) with less setbacks than required on property located at 1227 Turkey Point Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 12,012 square feet of land, more or less. It is located with approximately 115 feet of frontage on the southeast side of Turkey Point Road; approximately 40 feet northeast of Boyd Drive. The property is identified as Lots 25 and 26 of Parcel 39 in Block 12 on Tax Map 60 and in the Turkey Point subdivision.

The property has been zoned R2 – Residential District since the adoption of comprehensive zoning for the Seventh Councilmanic District effective October 7, 2011. This waterfront property on Main Creek is located entirely in the Chesapeake Bay Critical Area, is primarily classified as LDA – Limited Development Area with a small area of RCA - Resource Conservation area near the shoreline. It is located in a mapped Buffer Modification Area.

The site is improved with a single-family detached dwelling and a pier.

PROPOSAL

The applicant proposes to construct a triangular pier extension 6 feet by 12 feet and add four pilings for a boat lift (two attached to the proposed extension and two freestanding) all within the minimum required 15 foot setback area.

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. The proposed triangular extension would be as close as six feet from the east side property line extension (PLE)

requiring a variance of nine feet. The closest boat lift piling would be one foot from the west side PLE requiring a variance of fourteen feet.¹

FINDINGS

The subject property is a somewhat pie-shaped lot that is undersized for a lot in the R2 District with 115 feet of road frontage that narrows to approximately 40 feet of water frontage. This application relates to an existing pier. The location of the pier along the waterfront and the converging PLEs precludes any change to the configuration without a variance.

A review of the County aerial photograph from 2023 reveals that this property has one of the shortest piers in this tight cove. Developed waterfront properties in this cove all have at least one slip with or without a boat lift. The pier on the subject property was the last to be constructed and first appears in County aerial photos between 1998 and 2000. This Office found no nearby properties along the shoreline with approved variances relating to piers.

The applicants' letter of explanation states that the request does not change the landscape of the Turkey Point community as many adjacent properties have one or more boat lifts / slips. This property does not currently have a boat lift or slip.

The Development Division (Critical Area Team) commented the following:

The point-of-cove reference is not correct on the site plan and therefore neither are the property line extensions (PLEs). When the point-of-cove is placed correctly on the site plan, based on the current conditions of the cove, and the PLEs re-drawn accordingly, there is no water area to allow the proposed expansion of the existing pier without extending across PLEs. The place where the west PLE begins is incorrect as well. The property line should be extended to MHW and then drawn out to the point-of-cove. Further, the proposed addition of the pier expansion will bring the end of the proposed pier within 6' of the pier to the east. This close proximity is a safety concern, especially considering the orientation of the boat lift to the easterly pier.

The pier structures existing in this little cove have been in existence since before 1998 with the exception of the subject pier. The subject pier was installed sometime between 1998 and 2000. The county has no historical records of a pier permit or a variance for the subject pier. The existing pier does not meet the code requirements for residential piers and seems to have been constructed to the maximum permissible if it had been permitted with an approved variance.

A site visit was conducted and confirmed the findings of these review comments. The critical area team of OPZ recommends denial of this variance.

¹ Additional variances are required for the second freestanding piling distance to the west PLE and distances of the pilings attached to the proposed pier extension, but cannot be quantified as measurements have not been provided on the site plan or within the letter.

The **Health Department** commented that they have evaluated the well water supply system for the property and have determined that the proposed request does not adversely affect this system. Therefore, the Health Department has no objection to the above referenced request.

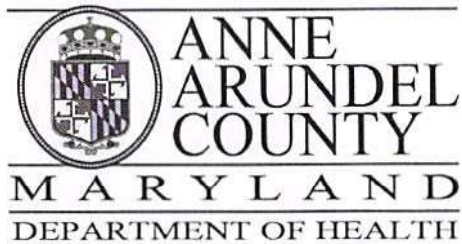
Approval of the variances will not impair the appropriate development of adjacent property as there are longstanding piers extending from each abutting property. Approval of the variances will not impair the use of the adjacent piers as navigation for the pier to the west will not be impeded due to the length and the location of the boat slip on this pier extending into the center of the cove. Navigation will not be impeded for the pier to the east as the existing boat lift on that pier is to the east. However, the proposed extension is only six feet from the existing pier to the east which, while not impairing the use and not detrimental to the general public welfare, could be a safety issue to the owners of the property to the east. 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 are a common feature of waterfront properties.

Given the strong objection and opinion of the critical area team regarding the property line extensions this application may be premature. The existing improvements already provide suitable water access that should be reasonably expected for a 40-foot wide lot within a tight cove, and the applicants are not necessarily entitled to a slip with or without a boat lift. Therefore, the addition of a pier extension and a boat lift cannot be considered the minimum necessary to afford relief.

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 ***denial*** of the variance requests to § 18-2-404 (b) of nine feet and fourteen feet to allow a triangular pier extension and four boat lift pilings (and other variances as required) 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.



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Annapolis, Maryland 21401
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Tonii Gedin, RN, DNP
Acting Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

BC 8/1/23

DATE: August 1, 2023

RE: Marcella & Patricia Hess
1227 Turkey Point Road
Edgewater, MD 21037

NUMBER: 2023-0116-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier and mooring piles with less setbacks than required.

The Health Department has reviewed the well water supply system for the referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay

2023-0116-V - SETBACKS - EXTEND PIER, NEW PILINGS

Menu Cancel Help

Task
 OPZ Critical Area Team
Assigned to Department
 OPZ Critical Area
Action by Department
 OPZ Critical Area
Start Time

Due Date
 08/08/2023
Assigned to
 Melanie Mathews
Action By
 Melanie Mathews
End Time

Assigned Date
 07/18/2023
Status
 Complete w/ Comments
Status Date
 07/27/2023
Hours Spent
 0.0

Billable
 No
Overtime
 No

Comments
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The pier structures existing in this little cove have been in existence since before 1998 with the exception of the subject pier. The subject pier was installed sometime between 1998 and 2000. The county has no historical records of a pier permit or a variance for the subject pier. The existing pier does not meet the code requirements for residential piers and seems to have been constructed to the maximum permissible if it had been permitted with an approved variance.

A site visit was conducted and confirmed the findings of these review comments. The critical area team of OPZ recommends denial of this variance.

Time Tracking Start Date
 Display E-mail Address in ACA **Display Comment in ACA** **Comment Display in ACA** All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
 0.0
Action
 Updated

Workflow Calendar



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



Notes

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