

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

APPLICANT: Patrick & Delia Abrams

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0119-V

COUNCIL DISTRICT: 6th

HEARING DATE: September 12, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting variances to allow a pier and mooring pilings with less setbacks than required on property located at 312 South Riverside Drive in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 6,100 square feet of land and is located with 50 feet of frontage on the north side of South Riverside Drive. It is identified as Lots 9 and 10 of Parcel 149 in Block 23 on Tax Map 31 in the Herald Harbor subdivision.

The property is zoned R5 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. The lot lies entirely within the Chesapeake Bay Critical Area, is designated as IDA – Intensely Developed Area, and is mapped as BMA – Buffer Modification Area. It is improved with a one-story dwelling, a deck, water access steps, a waterfront shed, a residential pier, and associated facilities.

PROPOSAL

The applicants propose to replace the existing pier, platform, and piles, extending further channelward to allow for better depths.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance provides that a private pier or mooring piling shall be located at least 15 feet from a lot line extended.

- (1) The proposed 13 foot by 24 foot platform (specifically, its pilings) would be located as close as 14 feet from the western side lot line extended, necessitating a variance of 1 foot.
- (2) Two of the proposed mooring piles (for the repurposed 8K rated boat lift) would be located as close as 7 feet from the western side lot line extended, necessitating a variance of 8 feet.
- (3) Five of the proposed mooring piles (for the upgraded 20K rated boat lift) would be located as close as 5 feet from the eastern side lot line extended, necessitating a variance of 10 feet.

FINDINGS

The subject property is undersized in relation to the minimum lot size of 7,000 square feet and minimum lot width of 60 feet for lots in the R5 District. A review of the 2023 County aerial photography shows that the subject site and nearby waterfront lots contain piers, boat lifts and other associated improvements. Mooring piles from an old pier also appear to be visible to the east of the

subject property's pier. A building permit, B02414629 (pending), was submitted on January 17, 2023, to replace in kind the water access steps at the subject property.

The applicants' letter explains that they are proposing to accommodate a pier extension that will be within the same orientation of the existing pier but extend further channelward to allow for better depths. The applicants are requesting a variance due to the unique narrowness of the lot which does not allow them to maintain the required setbacks from the extended property lines.

The **Development Division (Critical Area Team)** notes that the property line extensions (PLE) used are correct and are the best method of determining the water area available for the proposed pier and associated structures. The platform is oversized for what MDE typically allows (200SF) and although it is called out as being "grandfathered", the relocation of the platform, in the county's definition of replacement in kind, does not meet the requirements of an "in-kind" replacement. This determination will be made by MDE. The critical area team of OPZ has no objection to the requested variance to the side setback requirements.

The **Health Department** has no objection to the proposed request.

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the subject property is slightly narrow, with similarly narrow extended lot lines, setbacks and buildable area over the water. However, the applicants currently have reasonable use of the waterfront property with an existing pier, platform and lifts. The applicants' desire to replace the existing pier with an oversized platform and significantly larger boat lift is a self-inflicted hardship. The 50 foot width of the extended property lines is adequate to accommodate a new pier, platform, and lift, while still allowing the applicants to access deeper water.

The granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

However, the request is not considered to be the minimum necessary to afford relief as there is opportunity to redesign the proposed pier, platform and pilings to meet the minimum setbacks. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the requested variances to § 18-2-404(b) to allow a pier and mooring pilings with less setbacks than required.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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 the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria

ABRAMS RESIDENCE

312 SOUTH RIVERSIDE DRIVE, CROWNSVILLE, MD 21032

SITE PLAN

NOT FOR CONSTRUCTION

GENERAL NOTES

- CHECK LOCATION OF ALL UNDERGROUND UTILITIES. CALL "MISS UTILITY" AT 1-800-257-7777 AT LEAST 5 DAYS PRIOR TO ANY EXCAVATION.
- CONTRACTOR IS REQUIRED TO CARRY ANY/ALL WORKMAN'S COMPENSATION AND OTHER LIABILITY INSURANCES AS REQUIRED BY THE GENERAL CONTRACTOR/OWNER.
- CONTRACTOR IS REQUIRED TO COMPLY WITH ANY/ALL CODES, REGULATIONS AND ORDINANCES THAT APPLY TO THE WORK PERFORMED ON THIS PROJECT.
- CONTRACTOR SHALL COORDINATE THE EXECUTION OF ALL WORK PERFORMED WITH THE GENERAL CONTRACTOR/OWNER AND SHALL COMPLETE ALL WORK IN A TIMELY FASHION.
- GENERAL CONTRACTOR/OWNER IS RESPONSIBLE FOR OBTAINING SITE PERMITS AND PAYING APPLICABLE FEES UNLESS OTHERWISE SPECIFIED.
- THESE PLANS ARE TO BE USED SOLELY FOR STABILIZATION PURPOSES ONLY.
- IF STOCKPILES ARE REQUIRED ON-SITE, LOCATIONS WILL BE DESIGNATED BY THE GENERAL CONTRACTOR/OWNER.

GRADING NOTES (TYPICAL):

- ANY GROUND DISTURBANCE (INCLUDING BUT NOT LIMITED TO THE RUNNING OF MACHINERY ACROSS THE LAWN AREA, ETC.) BEYOND THE SPECIFIED MATING WILL BE CAUSE FOR THE ENFORCEMENT SECTION OF THE DEPARTMENT TO ISSUE A STOP WORK ORDER AND REQUIRE ANY APPROPRIATE ACTIONS TO BRING THE SITE INTO COMPLIANCE WITH THE APPROVED STANDARDIZED GRADING PLAN AND AGREEMENT.
- CUTS AND FILLS SHALL NOT EXCEED 10 FEET IN DEPTH OR HEIGHTS AND SHALL NOT EXCEED 100 CUBIC YARDS IN VOLUME.

SITE TABULATIONS

TOTAL SITE AREA:	6,100 S.F. (1.4 ACRES)
PREDOMINANT SOIL TYPES:	SME—SASSAFRAS AND CROOM SOILS (94%) PgB—PATAPSCO-FORT MOTT-URBAN LAND COMPLEX (4%)
SITE ZONING:	RS
BUILDING RESTRICTION LINES:	FRONT = 25' SIDES = 7' REAR = 20'
CRITICAL AREA DESIGNATION:	LDA (LIMITED DEVELOPMENT AREA)
MAXIMUM IMPERVIOUS COVERAGE:	25% + 500 S.F. (2,025 S.F.) PER SUBTITLE (4) 17-8-402 LOT CREATED IN 1924

EXISTING LOT INFORMATION	
PRIMARY STRUCTURE AREA:	999 S.F.
DRIVEWAY:	267 S.F.
FRONT ENTRANCE WALKWAY:	115 S.F.
W/HD:	124 S.F.
RETAINING WALLS:	45 S.F.
AT GRADE DECK WALKWAY:	203 S.F.
EXISTING CONCRETE STEP REMNANTS:	192 S.F.
TOTAL EXISTING IMPERVIOUS SURFACE:	1,905 S.F.

TOTAL IMPERVIOUS BEING REMOVED	
EXISTING CONCRETE STEP REMNANTS:	192 S.F.
TOTAL IMPERVIOUS REMOVED:	192 S.F.

TOTAL IMPERVIOUS SURFACE BEING ADDED	
SCORE:	0 S.F.
PROPOSED IMPERVIOUS:	0 S.F.

FINAL TABULATIONS	
Property: RS Single Family Residence Neighborhood Conservation	
Terms: 25% + 500 S.F. of lot to be impervious coverage, 10% reduction in Stormwater	
SDAT REAL PROPERTY LISTED LOT COVERAGE:	6,100 S.F.
REAL PROPERTY BASEMENT AREA:	N/A S.F.
SDAT LISTED TOTAL LOT SIZE:	6,100 S.F.
STATE RECORDED IMPERVIOUS:	N/A S.F.
TASK OF IMPERVIOUS RECORDED IMPERVIOUS:	1,905 S.F.
ALLOWED IMPERVIOUS BY ZONE WITH CRITICAL AREA OVERLAY:	2,025 S.F.
CURRENT ALLOWABLE IMPERVIOUS THRESHOLD:	120 S.F.
IMPERVIOUS SURFACE AFTER PROPOSED REMOVALS:	1,713 S.F.
FINAL IMPERVIOUS AFTER PROPOSED ENHANCEMENTS:	1,713 S.F.
FINAL IMPERVIOUS CALCULATION (N/D):	-312 S.F.

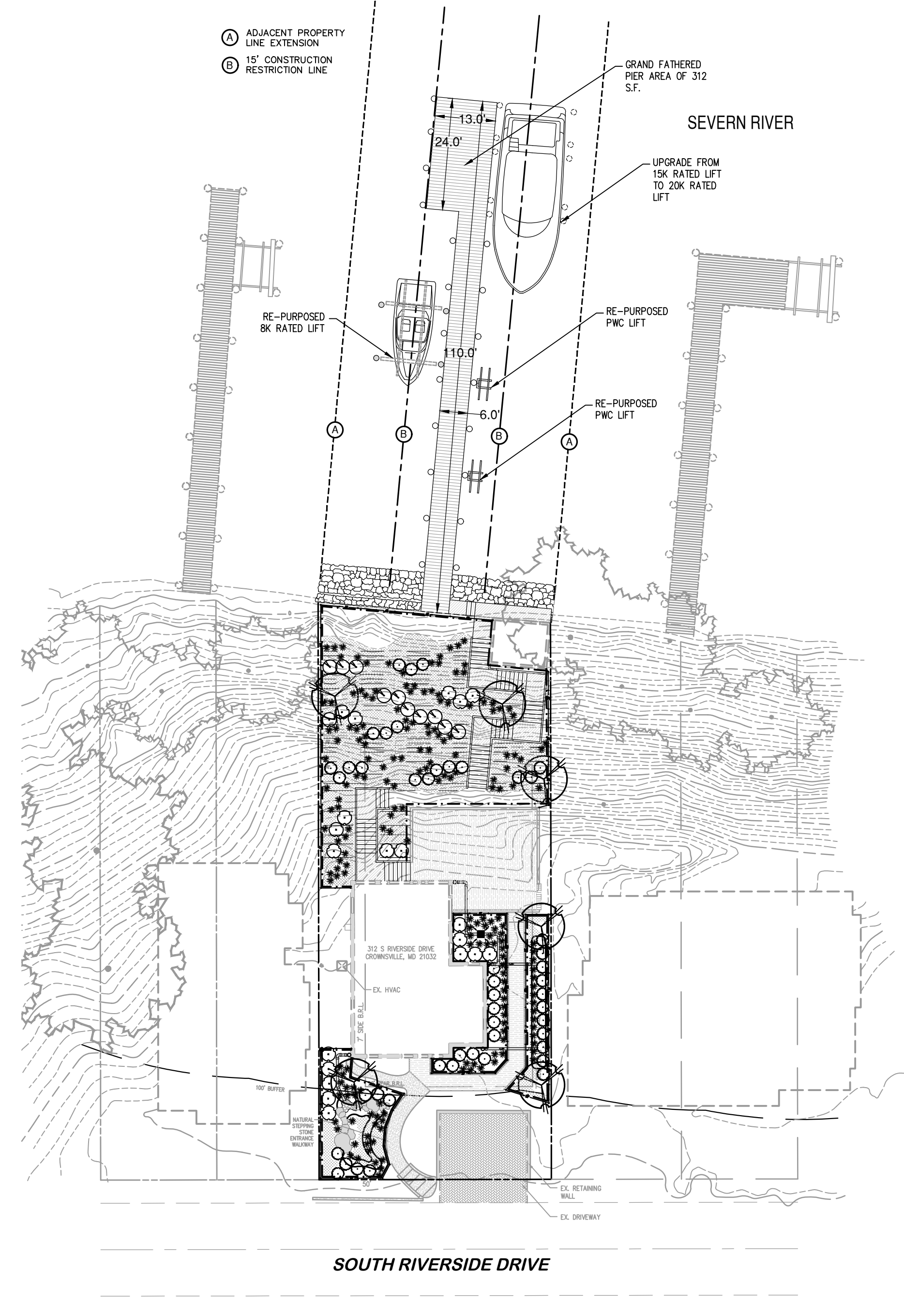
EXISTING SITE PLAN

SCALE 1" = 20'



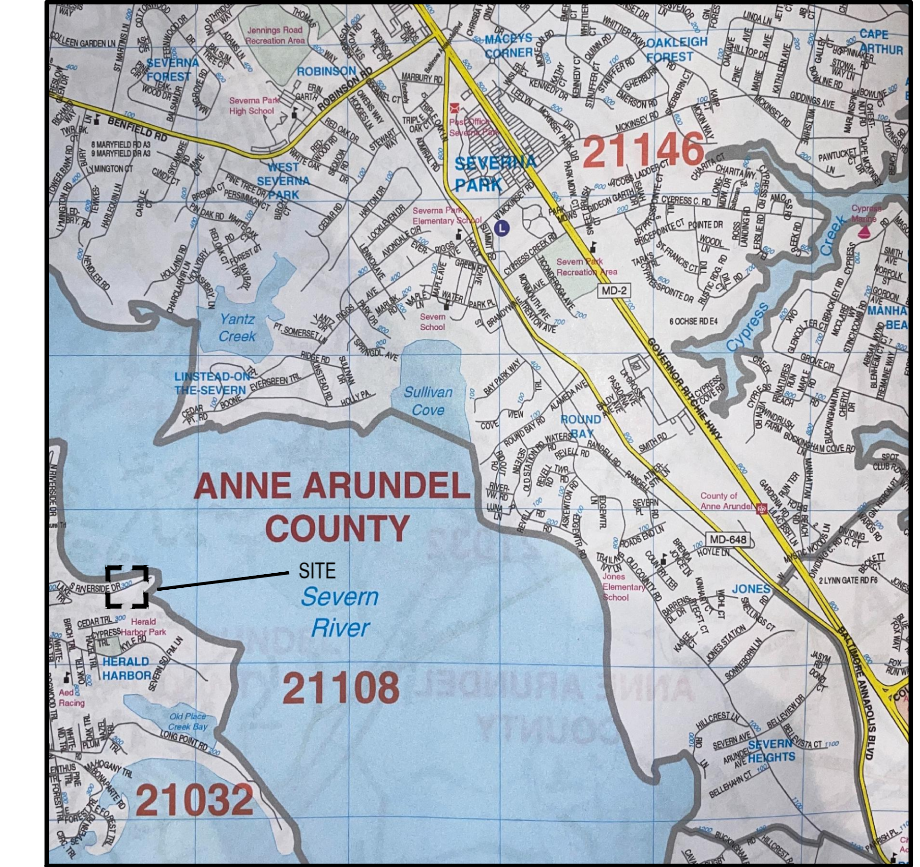
PROPOSED SITE PLAN

SCALE 1" = 20'



VICINITY MAP

SCALE 1" = 2000'



INTEGRATED PROPERTY SOLUTIONS
FEASIBILITY STUDIES/DESIGN SERVICES
PERMITTING/CONSTRUCTION MANAGEMENT
SEDMENT AND EROSION CONTROL
VEGETATION MANAGEMENT SOLUTIONS
STORMWATER MANAGEMENT
REVEGETATION/PLANTING SPECIFICATIONS
LANDSCAPE AND HARDSCAPE



SEAN WILLIAM COMPANIES
P.O. BOX 104
ANNAPOLIS, MD 21404
PHONE: 1 202 100 0005
FAX: 1 202 100 0006
EMAIL: INFO@SEANWILLIAM.COM
WEB: WWW.SEANWILLIAM.COM
MHC COMPANY LICENSE #137516
MARCUS CONTRACTORS LICENSE #1416
CONTRACTOR STATE LICENSE #1416

ADMINISTRATIVE SITE PLAN
STANDARD GRADING PLAN
ABRAMS RESIDENCE
312 SOUTH RIVERSIDE DRIVE, CROWNSVILLE, MD 21032
TAX MAP - 0031 GRID - 0023 PARCEL - 0149 SUBDIVISION - 413
PERMIT NUMBERS:
TAX ID: 02 413 07785610
COUNTY: ANNE ARUNDEL
ELECTION DISTRICT: 02

PLAN STATUS

DATE	DESCRIPTION
JTE	JTE
DESIGN	DRAWN
	CHKD
SCALE	H: 1" = 10' V: N/A
JOB No.	R-1311-ABRAMS
DATE	: NOVEMBER 2022
FILE No.	R-1311-02

JTE	JTE	SWR
DESIGN	DRAWN	CHKD
SCALE	H: 1" = 10'	V: N/A
JOB No.	R-1311-ABRAMS	
DATE	: NOVEMBER 2022	
FILE No.	R-1311-02	
SHEET	1	OF 1



Office of Planning and Zoning
2664 Riva Road
P.O. Box 6675
Annapolis, MD 21401
P. 410.222.7441 F. 410.222.7752

To Whom It May Concern:

The location of the property address is 312 S. Riverside, Crownsville, MD 21032.
This property address is located within the critical area of the Severn River Watershed.
This property is not affiliated with any bog protection areas or wetlands.
This property has zoning designation of R-5 Residential.
This property has a critical area designation of LDA - Limited Development Area.

Our lot measures approximately 122 linear feet in depth and is only 50' in front width, making the lot much longer than wide, and shaped as a traditional rectangle. We are proposing to accommodate a pier extension that will be within the same orientation of the existing pier but extended further channelward to allow for better depths.

We are requesting a variance as due to the unique narrowness of the lot. This puts us in conflict with traditional construction setback lines implied by the property extensions lines offset by 15'. As the pier exists today it is conflict with those dimensions set forth.

We have provided scaled plans which delineate the existing conditions of the site including but not limited to; structures, utilities, steep slope setbacks, limits of disturbance, and other sensitive areas, as applicable.

Thank you in advance for your attention and consideration to this project.

Please feel free to contact with any questions and/or comments.

Regards,

Sean Robinson
Principal

O 202.760.0405

sean@sean-william.com

2023-0119-V

Menu Cancel Help

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

Due Date
08/11/2023
Assigned to
Melanie Mathews
Action By
Melanie Mathews
End Time

Assigned Date
08/10/2023
Status
Complete w/ Comments
Status Date
08/14/2023
Hours Spent
0.0

Billable
No

Overtime
No

Comments
The property line extensions (PLE) used are correct and are the best method of determining the water area available for the proposed pier and associated structures. The platform is oversized for what MDE typically allows (200SF) and although it is called out as being "grandfathered" the relocation of the platform, in the county's definition of replacement in kind, does not meet the requirements of an "in-kind" replacement. This determination will be made by MDE. The critical area team of OPZ has no objection to the requested variance to the side setback requirements.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA** **Comment Display in ACA**

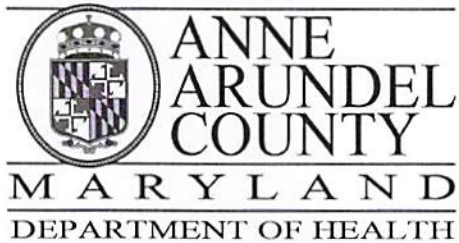
No

- In Possession Time (hrs)**
- All ACA Users
 - Record Creator
 - Licensed Professional
 - Contact
 - Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

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 

DATE: July 25, 2023

RE: Patrick B. & Delia E. Abrams
312 South Riverside Drive
Crownsville, MD 21032

NUMBER: 2023-0119-V

SUBJECT: Variance/Special Exception/Rezoning

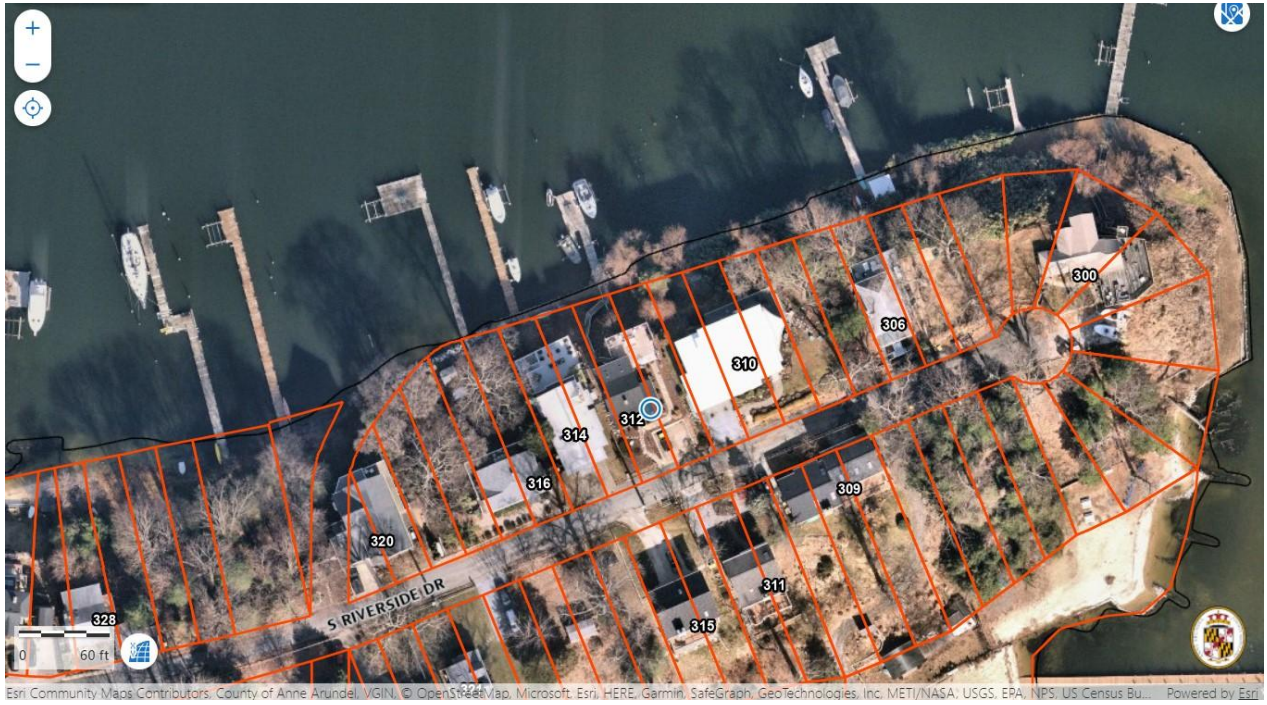
The Health Department has reviewed the above referenced variance to allow a pier and mooring pilings with less setbacks than required. .

The Health Department has reviewed the on-site sewage disposal and has determined that the proposed request does not adversely affect the on-site sewage disposal. 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 AERIAL



2023 detail

