

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

APPLICANT: Julianne Schrom

ASSESSMENT DISTRICT: 7th

CASE NUMBER: 2023-0127-V

COUNCIL DISTRICT: 7th

HEARING DATE: September 28, 2023

PREPARED BY: Robert Konowal
Planner



REQUEST

The applicant is requesting a variance to allow a private pier/platform on a lot without a principal structure at 1673 Columbia Beach Road in the subdivision of Columbia Beach, Shady Side.

LOCATION AND DESCRIPTION OF SITE

The subject property has 124 feet of road frontage on the west side of Columbia Beach Road, 0 feet south of Terrell Road. The property is 4,250 square feet in size and is identified as Lots 18 and 19, in Block 16 on Tax Map 74, Grid 6. The property has been zoned R2-Residential District since the adoption of the zoning maps for the Seventh Council District effective October 7, 2011.

This is a waterfront lot located on Flag Pond Creek in the Chesapeake Bay Critical Area and is classified as “IDA-Intensely Developed Area” and “RCA-Resource Conservation Area”. The shoreline of the property is not located in a designated buffer modification area.

These lands are currently unimproved. There currently is no pier or platform located at the shoreline.

APPLICANT’S PROPOSAL

The applicant is proposing to locate a 10-foot by 12-foot pier platform at the mean high water line. A three-foot wide by 25-foot long walkway is proposed on the subject property to gain access to the platform. No mooring pilings are proposed at this time.

REQUESTED VARIANCES

Section 18-4-106 of the Anne Arundel County Code permits a private residential pier in an R2-Residential District if it is accessory to a dwelling unit. Section 18-2-204 (c) of the Anne Arundel County Zoning Ordinance states an accessory structure or use may not be located on a lot other than the lot on which a principal structure (i.e., use) is located. There is no dwelling on the subject property; rather, the proposed pier on the subject lands will be accessory to a principal structure or use that is not located on the subject lands. A variance is required to allow a pier where the principal use is not located on the subject property.

2023-0127-V

A review of the site plan indicates the proposed pier/platform complies with the setback requirements of the Code.

FINDINGS

The subject property does appear to be a buildable lot for residential purposes; but, at 4,250 square feet in area, it does not meet the minimum lot area requirement of 15,000 square feet for a lot with public sewer in a R2 District. The lands appear to be inundated with water for a good part of the year, which does limit development of the subject property for residential purposes. The applicant owns property at 1507 Terrell Road, which is located directly to the east across the Columbia Beach Road right-of-way and developed with a single family detached dwelling. Since the two lots are separated by a road right-of-way, the lots cannot be merged to create one lot. The above conditions do constitute an exceptional circumstance that prevents compliance with the Code. Denial of the use of this waterfront lot by a confronting lot for a private pier/platform would cause an unwarranted hardship in the use of these lands.

The variance is considered to be the minimum necessary to afford relief. No variances are required for the siting (e.g., setbacks) of the pier.

Approval of the variance would not alter the essential character of the neighborhood nor substantially impair the appropriate use or development of any adjacent property. The variance will not be contrary to acceptable clearing and replanting practices, and there is no evidence it will be detrimental to the public welfare.

The **Development Division (Critical Area Team)** indicated they had no objection to the application.

The **Anne Arundel County Department of Health** had no objection to the request.

RECOMMENDATIONS

Based upon the standards set forth in Section 18-16-305, of the Anne Arundel County Code under which a variance may be granted, this Office would recommend that the request for a variance to Section 18-2-204 (c) to allow an accessory use, in this case a private pier/platform on a lot without a principal structure, be ***approved*** subject to the condition that the pier is to be only for the private use of the occupants of 1507 Terrell Road and their guests.

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.