

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

**APPLICANT:** Epping Forest Inc.

**ASSESSMENT DISTRICT:** 2nd

**CASE NUMBER:** 2023-0136-V

**COUNCIL DISTRICT:** 6th

**HEARING DATE:** September 26, 2023

**PREPARED BY:** Jennifer Lechner  
Planner

**REQUEST**



The applicant is requesting variances to allow a community pier and pilings with a greater marina basin than allowed and with less setbacks than required on property located at 354 Severn Road in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 44,866 square feet of land and is located with 259 feet of frontage on the north side of Severn Road. It is identified as Parcel 41 in Block 3 on Tax Map 45 in the Epping Forest subdivision.

The property is zoned MA1 – Community Marina 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 LDA – Limited Development Area, and is mapped as BMA – Buffer Modification Area. It is improved with a two-story clubhouse, community piers, a boat shed and other associated facilities.

**PROPOSAL**

The applicant proposes to remove and replace the existing piers and pilings in the community marina.

**REQUESTED VARIANCES**

§ 18-7-103(b) provides that the limits of the marina basin are the mean high-water line of the site before development or expansion, two side marina lot line extensions, and a line drawn to connect their channelward ends.

- (1) The proposed mooring piles and fixed docks to the north would be located as far as 138 feet channelward of the existing marina basin, necessitating a variance of 138 feet.
- (2) The proposed mooring piles and boat lift slips to the east would be located as far as 18 feet past the eastern side limits of the marina basin, necessitating a variance of 18 feet.

§ 18-2-404(b), a pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier or at least 25 feet from a lot line extended for all other piers.

- (3) The proposed mooring piles and boat lift slips to the east would be located as close as 0 feet to the eastern lot line extension, necessitating a variance of 25 feet.

## **FINDINGS**

The subject property exceeds the minimum lot size of one acre over mean high water and the minimum width at the waterfront of 150 feet for lots in the MA1 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.

The applicant's letter states that the current community marina has reached its lifespan, and states that the piers are too low for the rising water levels and tide fluctuations. The applicant is not proposing to increase the number of slips.

The applicant explains that the docking facilities had been upgraded in the 1960's, and the marina has been in its current configuration since at least 1972. The applicant posits that the current design, with regards to the slip sizes, is outdated due to boat styles and specifications having evolved over time. In addition, they propose that moving the piers further away from shore will allow for the correct spacing of the slips and deeper water, in addition to being more environmentally friendly for marine habitat. They believe that the new design will provide a similar clearance area between the adjacent residential pier and piles and the subject marina piers and piles. The applicant further states that the location of the community marina is constrained by the existing boat ramp, beach area and fishing pier for residents to the west.

## **Agency Comments**

The **Development Division (Critical Area Team)** offers the following comments:

The property line extensions have been drawn pursuant to Article 18-7-103 and are deemed to be correct. The required side setbacks are 25' from the side property line extensions. The applicant proposes to construct a new pier and associated structures that will extend outside of the marina basin both to the East and to the North.

The greater proposed distance channel ward of the North finger pier extension which extends beyond the allowed maximum distance does not present any apparent navigational concerns. The main channel of Clements Creek at its closest point is 539' wide and the full-view site plan shows 340' of clear, navigable channel with depths to accommodate a typical vessel's depth requirements for safe navigation.

In the southeast corner, a dog-legged finger pier off the proposed main pier, which includes associated finger piers, (12) boat lifts, and exterior pilings, does not extend any further East into the setback than the existing structures. However, there are navigational concerns regarding the Southeast corner of the proposed outer finger pier and pilings as the corner slip (outlined in green in the attached site plan), with proposed mooring pilings, substantially decreases the existing distance between those outer structures and the adjacent pier piling, allowing +/- 30' channel width for an increased number of boats (43) to navigate through. Currently, the distance is approximately 50 feet. A minimum 50' wide channel at this location should remain for safe navigation.

It is recommended that the southeastern-most 6' x 24' (end) finger pier and outermost piling be removed or relocated. With that correction made, the Critical Area Team has no objections to the proposed project and supports this variance.

Variance Criteria

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 existing marina basin at the subject property will not accommodate an updated and redesigned community marina appropriate for current boat specifications without expanding channelward, or reducing the number of slips available to residents. However, the proposed easternmost finger pier and mooring piles may impede the navigability to the slips available in the southern portion of the marina and the residential pier to the east. There appears to be opportunities to either eliminate or relocate those slips and piles. As a result, this office cannot support a variance to allow the expansion beyond the eastern lot line extension.

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 development of the adjacent properties, and would not be detrimental to the public welfare. However, the granting of the variance may impair the appropriate use of the adjacent property to the east.

This office believes that the variance request to expand north beyond the marina basin and the variance request to allow pier and piles up to the east side marina lot line extension would be the minimum necessary to afford relief.

However, as there is opportunity to redesign the proposed pier and pilings to remain within the eastern lot line extension, the variance request to extend east beyond the marina lot line extension is not considered to be the minimum necessary to afford relief. Without sufficient justification, that variance request cannot be considered the minimum necessary to afford relief.

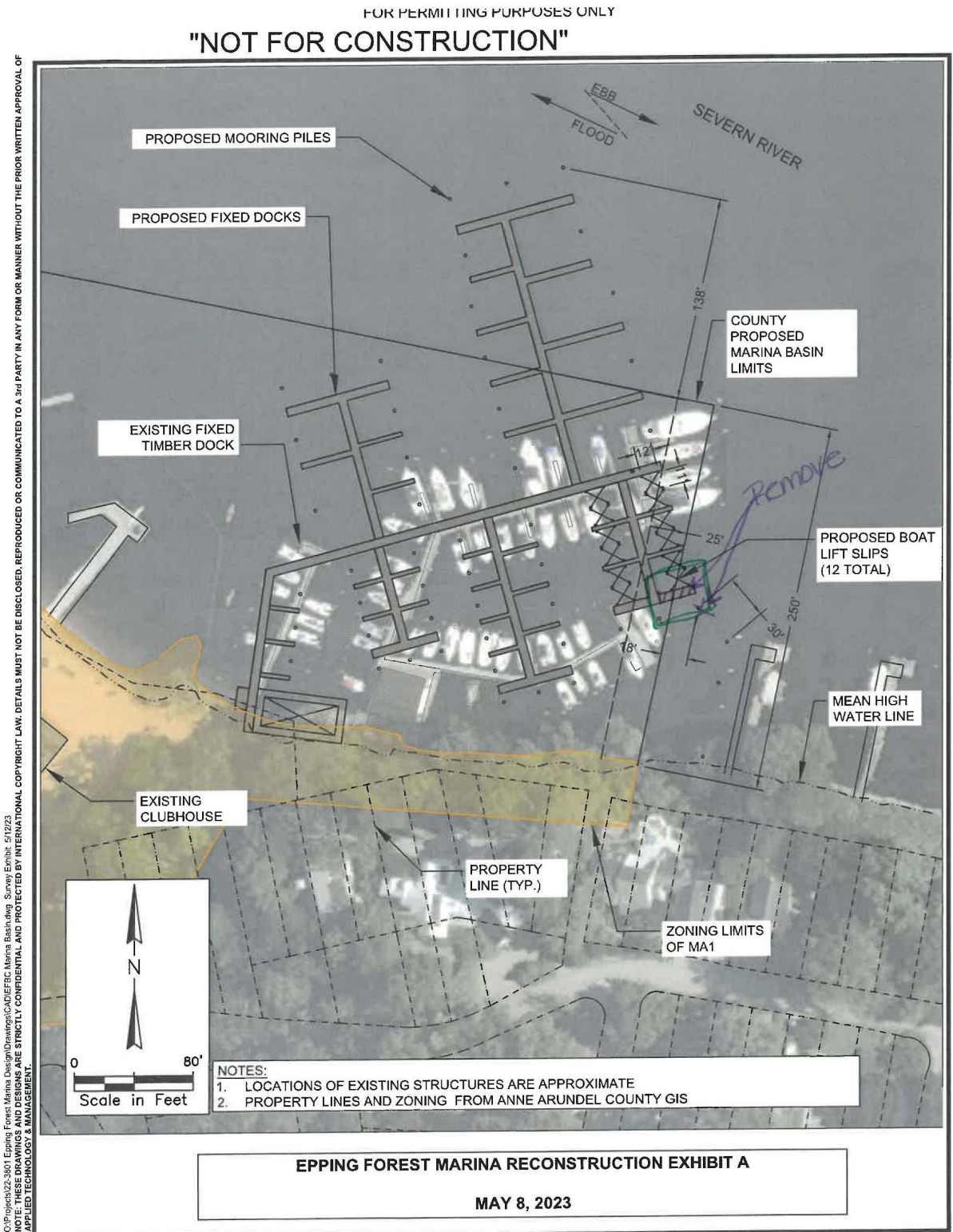
**RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, this Office recommends

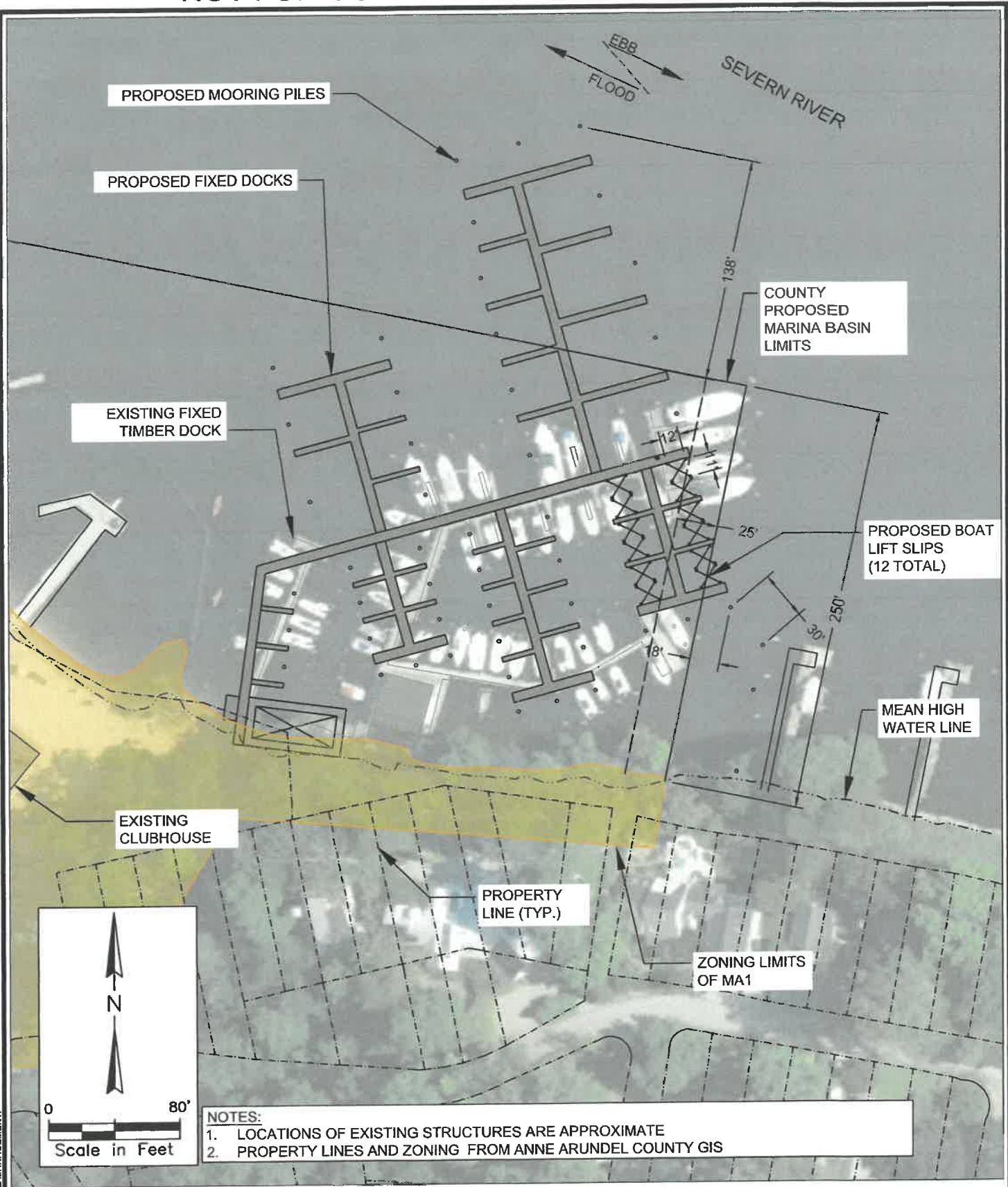
- 1) ***approval*** of the requested variance to § 18-7-103(b) to allow a pier and mooring pilings located 138 feet beyond the northern limits of the marina basin;
- 2) ***denial*** of the requested variance to § 18-7-103(b) to allow a pier and mooring pilings 19 feet beyond the eastern side limits of the marina basin; and,
- 3) ***approval*** of the requested variance to § 18-2-404(b) to allow a pier and mooring piles that would be located as close as 0 feet to the eastern eastern lot line extension.

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.

**Critical Area Team altered site plan (finger pier and piling to remove/relocate)**



# "NOT FOR CONSTRUCTION"

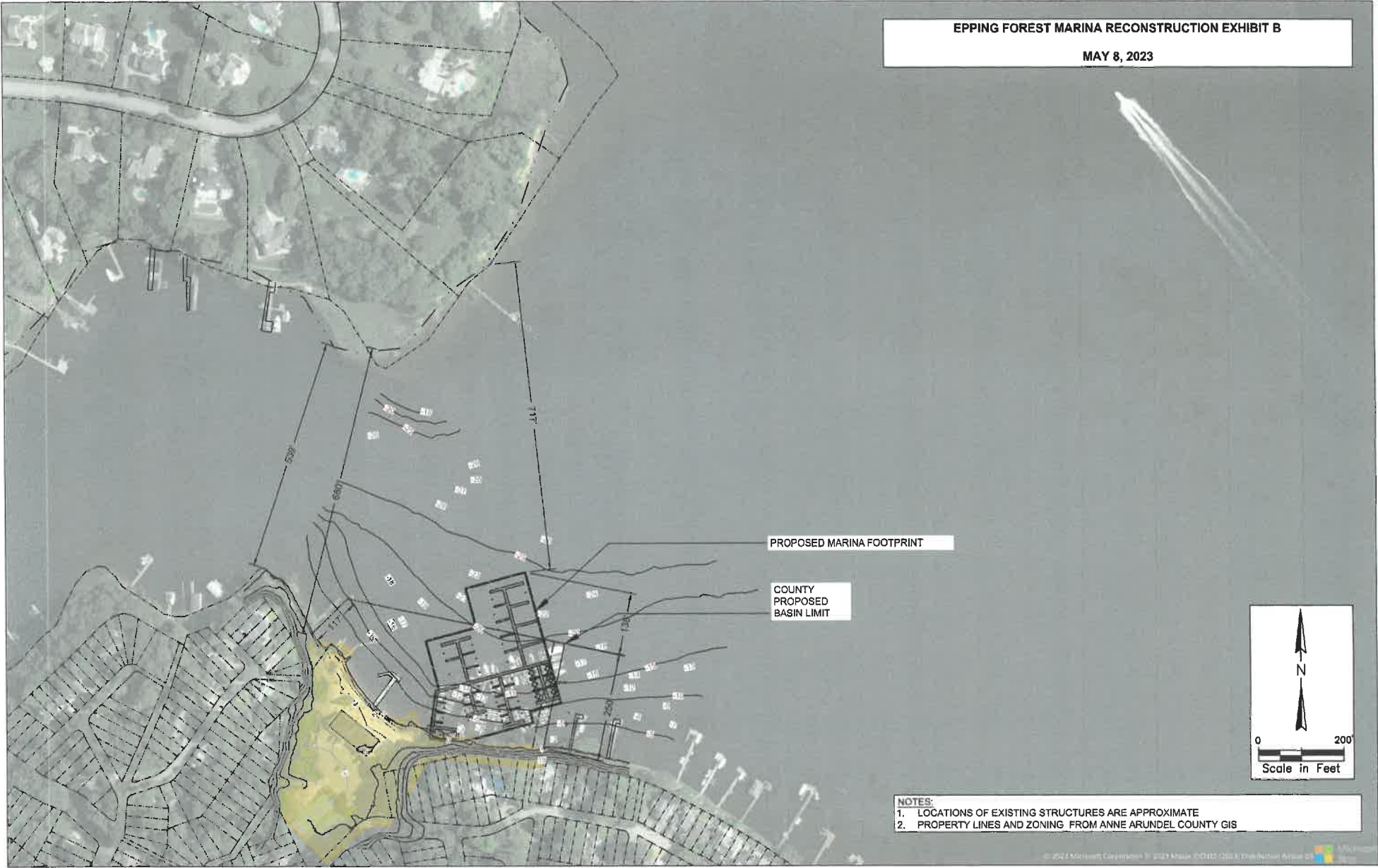


C:\Projects\22-3901\_Epping Forest Marina Design\Drawings\CAD\FBC Marina Basin.dwg Survey Exhibit 5/12/23  
NOTE: THESE DRAWINGS AND DESIGNS ARE STRICTLY CONFIDENTIAL AND PROTECTED BY INTERNATIONAL COPYRIGHT LAW. DETAILS MUST NOT BE DISCLOSED, REPRODUCED OR COMMUNICATED TO A 3rd PARTY IN ANY FORM OR MANNER WITHOUT THE PRIOR WRITTEN APPROVAL OF APPLIED TECHNOLOGY & MANAGEMENT.

**EPPING FOREST MARINA RECONSTRUCTION EXHIBIT A**  
**MAY 8, 2023**

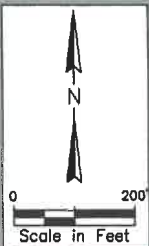
**EPPING FOREST MARINA RECONSTRUCTION EXHIBIT B**

**MAY 8, 2023**



**PROPOSED MARINA FOOTPRINT**

**COUNTY  
PROPOSED  
BASIN LIMIT**



- NOTES:**
- 1. LOCATIONS OF EXISTING STRUCTURES ARE APPROXIMATE
  - 2. PROPERTY LINES AND ZONING FROM ANNE ARUNDEL COUNTY GIS

Date: May 24, 2023

Zoning Division of the Office of Planning & Zoning  
Anne Arundel County  
Heritage Office Complex  
2664 Riva Road  
Annapolis, Maryland 21401  
Zoning Division - (410) 222-7437

**RE: VARIANCE REQUEST**

Applicant: Epping Forest Inc.  
Mailing Address: c/o Kevin Barner, Commodore, 346 Epping Way, Annapolis, MD 21401  
Site Address (For Variance): 354 Severn Rd., Annapolis, MD 21401  
Tax Id: 224003785100

Dear Zoning Office:

This letter explains the request by Epping Forest Inc. for variances for the installation of pier & pilings in the 25 ft. setback area and past the marina basin lines at 354 Severn Rd., Annapolis, MD 21401. This property contains 1.030 AC. of area and is located on the Severn River. The lot is approximately 259 ft. wide at the street and roughly 593 ft. wide at the shoreline and contains an existing club house, piers, boat slips, mooring piles and a boat shed. For more than 35 years, the community has maintained the marina as best as possible but due to the natural aging process of water-based facilities, the lifespan of the current structure has run its course. The piers are too low and are inundated by the rising water levels and tidal fluctuations. Safety of the members of the community and those of this facility is of primary concern. The community does not propose to increase the number of slips.

Property line extensions and basin limits have been determined by the Office of Planning & Zoning and the site plan depicts the proposed marina, associated 25 ft. setbacks and marina basin as defined by the Zoning Office. Based on the provisions of the Code relating to the setbacks for a MA1 zoned parcel (Maritime District), the applicants must maintain 25 ft. on either side of the property line extensions into water. Upgrades to the docking facilities were upgraded in the 1960's and since at least 1972, the current footprint of the facility has extended as far easterly as its current configuration and as far channelward. The current design is outdated primarily because of slip size width because boat styles and specifications have evolved over the years. The current marina extends 25 ft. into the easterly 25 ft. setback area. The proposal also extends this same distance – 25 ft. into the easterly setback area. Boat lifts are proposed in these areas which are a vital and permissible method of securing a boat. There The minimum depths to support these lifts are in these areas (-2 ft. MLWL).

Movement of the piers further away from shore is an overall more environmentally friendly approach to a rebuild of the facility. With these upgrades, reasonable sized slips to accommodate members of the community have been taken into account. Pier-ing out to allow for the correct spacing and design for these slips and into reasonably deeper water and away from shallow areas with the boat slips has been the principal goal. Shallow waters are typically habitat for marine life. Moored or lifted boats in deeper waters will be helpful for the environment.

The proposed most easterly piles provide the neighbors at 330 Severn Rd. with 30 ft. of distance between their mooring piles and the subject piles. This will provide a similar clearance area for ingress and egress as the current slips on this side of the facility. Impact would be the same.

The community does not have an option to rebuild this facility in any other location along the property. There is a boat ramp on the western side of the parcel and a beach area with a fishing pier for residents to enjoy which is not the subject of any permitting requests. Existing site impediments will not allow for any other location and rotation of the pier would cause undue hardship for use of this current and long-standing infrastructure. Rotation would also not provide any substantial decrease to the channelward extent of the proposed.

**The granting of the variance will not:**

- (a) Alter the essential character of the neighborhood or district in which the lot is located

This proposal is similar to most every other community pier facility in Anne Arundel County including that of Bay Ridge in Annapolis, MD as one example. Similar style piers with main pier stems, finger piers, mooring and lift piles are typical. Boat lifts positioned off the side of finger piers as proposed is also common. This proposal would not alter the essential character of the community of Epping Forest nor that of the district.

- (b) Substantially impair the appropriate use or development of adjacent property

The requested variance is for a max. encroachment of 25 ft. to the 25 ft. setback provisions of § 18-7-106 to install piers and piles (to include boat lifts) as shown in the attached proposed plan. The structures will not impede navigation for the neighbors nor adjacent properties and continued use of neighboring facilities would be unhindered by the request herein as the current encroachment into the setback is also 25 ft. On the side of 330 Severn Rd., the closest structure is 30 ft. away, similar to the current pile locations.

The Epping Forest community is also mostly non-riparian, whereby the community owns the land between the waterway and the lots from the street.



- (c) Reduce forest cover in the Limited Development and Resource Conservation areas of the Critical Area.

This does not apply to this proposal.

- (d) Be contrary to acceptable clearing and replanting practices required for development in the of the Critical Area or a Bog Protection Area; or be detrimental to the public welfare

This does not apply to this proposal.

The proposal conforms with Maryland Department of the Environment (COMAR, Title 27) & Army Corp. of Engineers regulations and all appropriate state and federal permitting have been submitted.

It is our belief based on the usable property area that the proposed location of all structures is the minimum necessary to afford relief to applicant. We look forward to hearing from you upon acceptance of these explanations.

Thank you,

Lauren Heinsohn  
Fetch, LLC  
574-E Ritchie Hwy., #273  
Severna Park, MD 21146  
PH: (410) 756-0885  
EM: Lauren@fetchconsultinggroup.com

## **Epping Forest Inc.**

### **Zoning Variance Requests to § 18-7-106. Bulk regulations**

- Proposed Piers, piling installations, launching facilities, uncovered slips in the 25 ft. setback area at D Dock
  - Variance of **25 ft.** for pier sections & piles located at D Dock

### **Zoning Variance Requests § 18-7-103. Determination of marina basin.**

(b) **Limits of marina basin.** The limits of the marina basin are the mean high-water line of the site before development or expansion, two side marina lot line extensions, and a line drawn to connect their channelward ends.

- Proposed Piers, piling installations extending past the marina basin area
  - Variance to extend approximately **19 ft.** past the marina basin area to the east property line extended (or easterly side of the basin area) as determined by AA CO.
  - Variance to extend **138 ft.** past the marina basin area channelward side line (or northerly side of the basin area) as determined by AA CO.

# 2023-0136-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**  
08/30/2023  
**Assigned to**  
Melanie Mathews  
**Action By**  
Melanie Mathews  
**End Time**

**Assigned Date**  
08/10/2023  
**Status**  
Complete w/ Comments  
**Status Date**  
08/23/2023  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
Following a review of the variance application for a community "Marina" belonging to Epping Forest Inc., the critical area team offers the following comments:

The property line extensions have been drawn pursuant to Article 18-7-103 and are deemed to be correct. The required side setbacks are 25' from the side property line extensions. The applicant proposes to construct a new pier and associated structures that will extend outside of the marina basin both to the East and to the North.

The greater proposed distance channel ward of the North finger pier extension which extends beyond the allowed maximum distance does not present any apparent navigational concerns. The main channel of Clemments Creek at its closest point is 539' wide and the full-view site plan shows 340' of clear, navigable channel with depths to accommodate a typical vessel's depth requirements for safe navigation.

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It is recommended that the southeastern-most 6'x 24' (end) finger pier and outermost piling be removed or relocated. With that correction made, the critical area team of Planning and Zoning has no objections to the proposed project and supports this variance.

**Time Tracking Start Date**      **Est. Completion Date**

**Display E-mail Address in ACA**  **Display Comment in ACA**

No

**In Possession Time (hrs)**

**Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

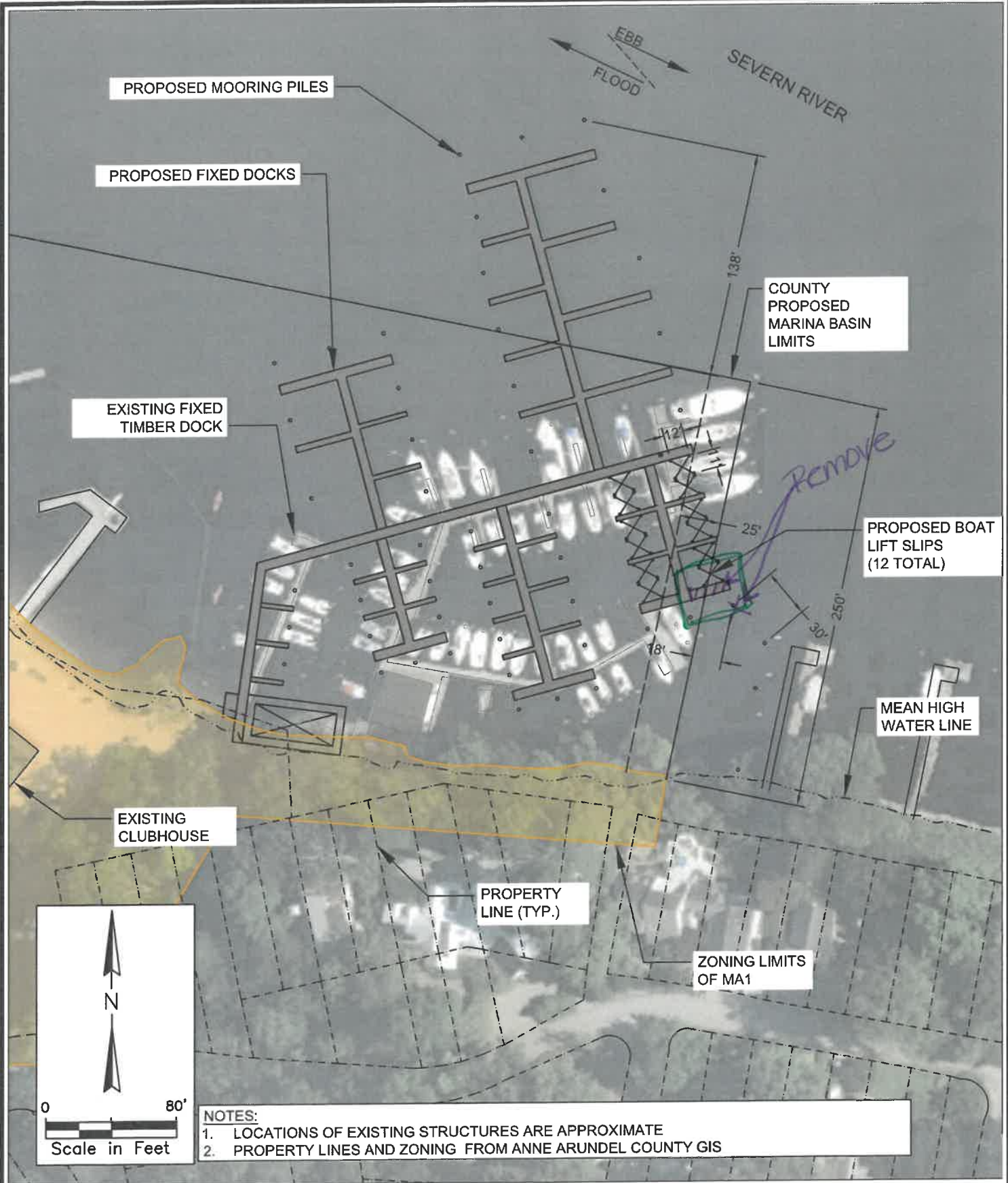
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**Review Notes**

**Reviewer Phone Number**  
410-222-7960

# "NOT FOR CONSTRUCTION"

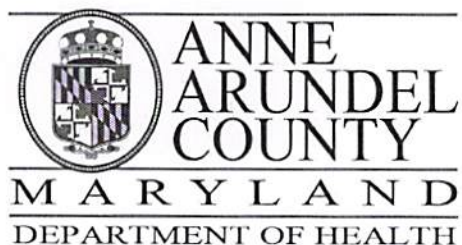
C:\Projects\22-3801 Epping Forest Marina Design\Drawings\CAD\FEBC Marina Basin.dwg Survey Exhibit 5/12/23  
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  2. PROPERTY LINES AND ZONING FROM ANNE ARUNDEL COUNTY GIS

**EPPING FOREST MARINA RECONSTRUCTION EXHIBIT A**

**MAY 8, 2023**



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 *BC*  
Bureau of Environmental Health

DATE: August 16, 2023

RE: John D. Baker  
354 Severn Road  
Annapolis, MD 21401

NUMBER: 2023-0136-V

SUBJECT: Variance/Special Exception/Rezoning

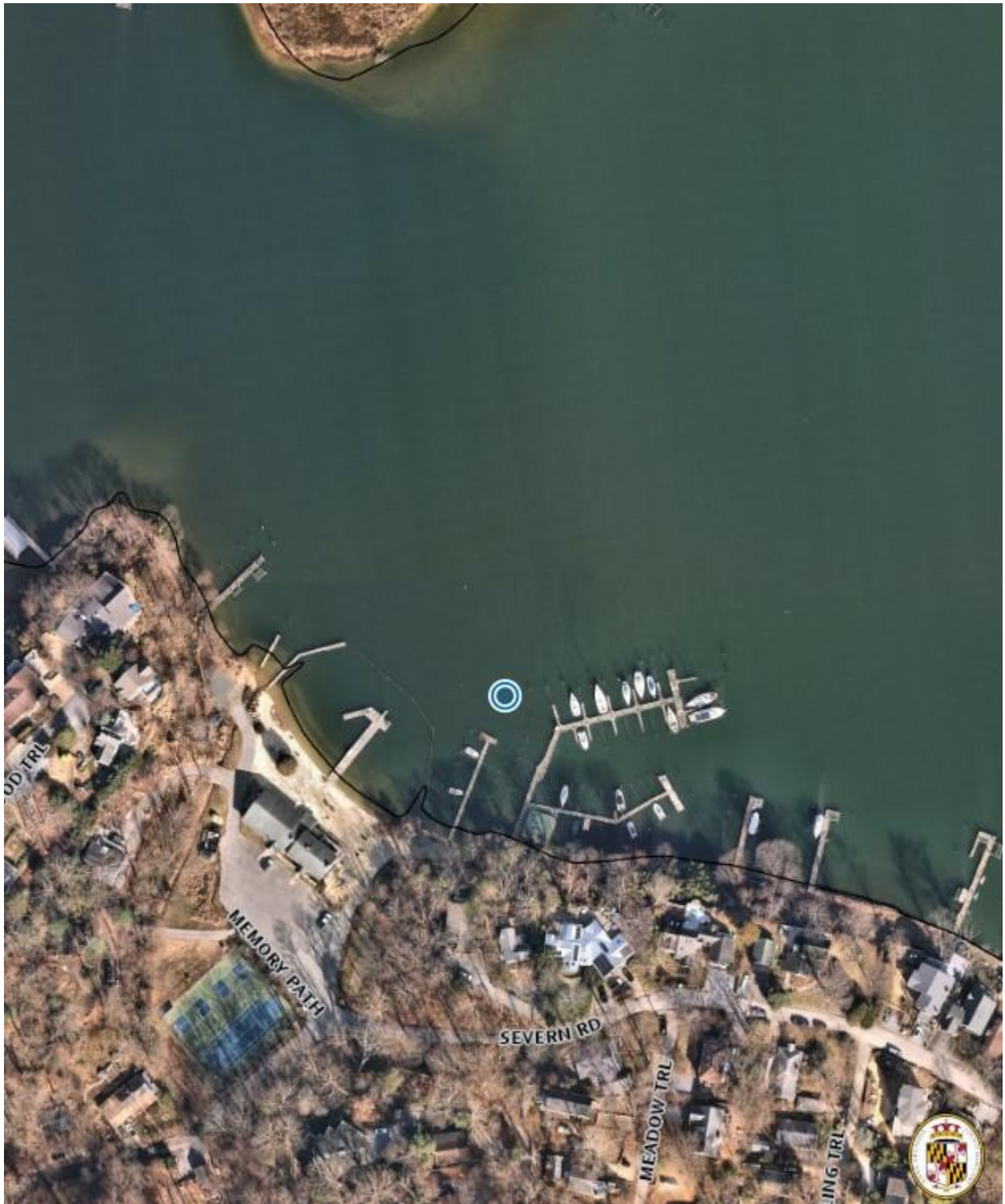
The Health Department has reviewed the above referenced variance to allow a community peir and pilings with a greater marina basin than allowed and with less stebacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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**



2023-0136-V

## 2023 AERIAL - DETAIL

