

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

APPLICANT: Anthony Clark Bertolini

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0096-V

COUNCIL DISTRICT: 3rd

HEARING DATE: October 17, 2023

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow a pier extension with less setbacks than required at 1246 Rock Hill Road in the subdivision of Rock Hill, Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 220 feet of road frontage on the east side of Rockhill Road, 105 feet south of Valley Road. The property is 18,769 square feet in area and is identified on Tax Map 17, Grid 8, as Lots 14, 15 and 16 in Parcel 464. The property has been zoned R5-Residential District since the adoption of the zoning maps for the Third Council District effective January 29, 2012.

This is a waterfront lot located along the west side of Rock Creek. These lands are located in the Chesapeake Bay Critical Area and are classified as "LDA-Limited Development Area". The shoreline of the property is located in a designated buffer modification area.

The subject property is currently developed with a single-family detached dwelling. There is an existing pier located at the shoreline. One piling is located on the north side of the pier within the extended property line. A second piling is located some 40 feet off of the end of the existing pier.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a four-foot wide by twenty-foot long extension to the existing pier.

REQUESTED VARIANCE

Section 18-2-404 (b) of the Anne Arundel County Code requires that a pier, platform or mooring piling be set back a minimum 15 feet from the extended property lines. The applicant has proposed to construct a pier extension that is located 10 feet from the north extended property line and five feet from the south extended property line necessitating variances of five feet and 10 feet respectively.

FINDINGS

This Office finds that the subject property is located along a body of water where the extended lot lines of the adjacent subdivided lots converge in one another and make it impossible to locate a pier in accordance with the setback requirements of the Code. The subject application also pertains to an extension of an existing pier where the location of the existing construction does present a practical difficulty in complying with the Code. Finally, the water depth along the existing pier is too shallow to accommodate the applicant's sailboat. The requested pier extension will allow for the applicant to make use of the existing pier and the riparian rights that have been afforded this waterfront property. Denial of the variances would cause hardship in the use of these lands.

The requested pier extension of 20 feet in length is not considered to be excessive and is only what is required to achieve the necessary water depth so that the applicant may dock their sailboat. The proposed pier extension at four feet in width is also undersized and further minimizes the variances sought. Based on the foregoing, the variances are considered to be the minimum necessary to afford relief.

Approval of the variances will provide for development that is consistent with other properties in the immediate area and will not therefore alter the essential character of the area. There is no concern that the variances allowing for the pier extension will hamper navigation to any adjacent property.

The **Critical Area Team for the Development Division** advised that the application for variance was reviewed and a determination made that the point of cove and property line extensions are correct and agree with the aerial imagery that we have provided to make such determination and which was provided to the agent for permitting purposes. The property lines extend from boundaries determined in the signed and sealed surveyor certificate as executed in the Consent Order regarding disputed boundary lines (attached). The pier extension will not be any further out into the waterway than the existing piling positioned approximately 40' from the end of the existing pier. The critical area team has no objections to the requested variance.

The **Anne Arundel County Department of Health** advised they have no objection to the request as the property is served by public water and sewer.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305, under which a variance may be granted this Office recommends the request for a variance of five feet from the north extended property line and 10 feet from the south extended property line to allow a pier 10 feet from the north extended property line and five feet from the south extended property line be **approved**.

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.