

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

**APPLICANT:** Kenneth Sikora

**ASSESSMENT DISTRICT:** 3rd

**CASE NUMBER:** 2023-0105-V

**COUNCIL DISTRICT:** 5th

**HEARING DATE:** November 21, 2023

**PREPARED BY:** Robert Konowal  
Planner

**REQUEST**

The applicant is requesting variances to allow a pier and mooring pilings with less setbacks than required at 226 Mountain Laurel Lane in the subdivision of Mill Creek Landing, Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The property is 5.24 acres in size and is bisected by Mountain Laurel Lane. The subject property has approximately 251 feet of road frontage on the east side of Mountain Laurel Lane and 206 feet on the west side Mountain Laurel Lane, 0 feet northeast of Orchard Beach Road. These lands are shown as Lot 2, Parcel 318 in Grid 9 on Tax Map 46. The property has been zoned R1-Residential District since the adoption of the zoning maps for the Fifth Council District effective January 29, 2012.

This is a waterfront lot located on the southwest side of Mill Creek in the Chesapeake Bay Critical Area and has been designated as “LDA-Limited Development Area.” There is a small portion of the property designated RCA-Resource Conservation Area. The property is not located along a buffer modified shoreline.

There is currently a single-family detached dwelling under construction on these lands..

**APPLICANT’S PROPOSAL**

The applicant is proposing to construct a six-foot wide, 90-foot long pier. A 10-foot wide by 20-foot long platform will be located on the pier approximately 30 feet from the mean high waterline. The applicant is proposing to construct one boatlift on each side of the proposed pier.

**REQUESTED VARIANCE**

Section 18-2-404 (b) (3) of the Anne Arundel County Zoning Code requires that a pier, platform or mooring piling be setback a minimum 15 feet from a lot line extended. The applicant has proposed to locate the new pier as close as nine feet from the east lot line extended requiring a variance of six feet from the Code requirement. Three pilings are proposed 13 feet, five feet and two feet from the east lot line extended requiring variances of two, 10 and 13 feet respectively. Four pilings are

proposed to be located two feet from the west lot line extended necessitating a variance of 13 feet for each of the four pilings.

### **FINDINGS**

This Office finds that the subject property has approximately 59 feet of frontage at the water's edge. Typically, docking and mooring facilities require 46 to 48 feet of frontage on the water to provide for a six-foot wide pier and a 10 to 12-foot wide boat lift set back 15 feet from the extended side property lines. In the case of the subject property however, the property lines extended converge inwards that creates a practical difficulty in complying with the Code requirements for piers and mooring pilings. Denial of a variance in principle would cause hardship in the use of these lands as it would essentially deny a mooring and docking facility on these lands which is a common right enjoyed by waterfront properties.

The provision of a pier with two boat lifts, one on either side of the pier and one of those lifts being 18 feet in width does not represent the minimum variance necessary to afford relief. Two boat lifts in this configuration for a property with only 59 feet of shoreline is considered to be excessive. This Office believes the minimum variance necessary to afford relief entails relocation of the pier further to the west and one (or two, if possible) boat lifts be provided off the east side of the relocated pier.

The proposed facility and variances requested are not typical of properties with this length of frontage on the water. The subject property is one of four waterfront lots with similar frontage along the water that were created in a recently platted subdivision (c.2004). There has been a permit recently issued for a pier without the need for variances for that property abutting to the east. Adjacent piers and pilings of abutting properties appear to comply with the Code. The requested variances are not consistent with adjacent development. The variance will unnecessarily serve to constrain navigation to the subject property and adjacent properties.

The **Development Division (Pier Approvals)** advised The site plan is drawn according to the shoreline as shown on Plat 270 pages 21-22 which includes +/- 59' linear feet of shoreline. The West property line extension (PLE) is drawn accurately as a direct extension which is also generally parallel to the adjacent pier. The East PLE appears to veer off slightly from a perfect direct extension. With this being said, the variance request may be more in line with an increased variance request of +/- 1' per structure however this is minimal and otherwise there appears to be no significant impact on the pier structure to the East. Additionally, the platform size has been reduced and reconfigured to limit the required number of variances for this project. The request seems reasonable and meets all of the requirements of a request for variance. The critical area team has no objection to this proposal.

The **Anne Arundel County Department of Health** has reviewed the on-site sewage disposal and well water supply system for the above referenced property and determined that the request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the request.

### **RECOMMENDATION**

With regard to the standards set forth in Section 18-16-305, under which a variance may be granted under the County Code, the Office of Planning and Zoning would recommend that the requested

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variances to allow a pier and seven pilings with less setbacks than required be ***denied*** all as shown on the attached site plan.

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.