

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

APPLICANT: Round Bay Community Association **ASSESSMENT DISTRICT:** 3rd

CASE NUMBERS: 2023-0146-S **COUNCIL DISTRICT:** 5th

HEARING DATE: January 9, 2024 **PREPARED BY:** Robert Konowal
Planner

REQUEST

The applicant is requesting approval of a special exception application to allow a community pier and launching ramp in a R2-Residential District on lands located at 111 Edgewater Road in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject lands have approximately 50 feet of frontage on the south side of Edgewater Road, approximately 116 feet south of Severn River Road. These lands are shown as the beach area along the Severn River on the Plat of Round Bay 1938 (Plat G.W. No.1 p. 39 and 45) and on Tax Map 32, Grid 14. The total acreage of the beach/site is approximately 97,020 square feet and has a length along the beach of approximately 3,224 feet.

Sections of the beach property have been zoned R2-Residential District, OS-Open Space and MA1-Community Marina as a result of comprehensive rezoning for the Fifth Council District, effective January 29, 2012.

These lands have frontage on the water and are located along the northeast side of the Severn River. Almost all of the property is designated LDA-Limited Development Area. There is a very small portion of the beach area designated RCA-Resource Conservation Area. The entire shoreline is located in a buffer modification area.

The subject site/community shoreline is currently developed with three piers; a community pier at the end of Edgewater Road, a recreational pier located approximately 645 feet to the west of the Edgewater pier and a community pier located at the end of Round Bay Road. There are a total of 36 slips available for residents at the two community piers. The pier located at the foot of Edgewater Road currently has 18 slips as does the pier located at Round Bay Road. No slips are located at the third pier which is used for recreational purposes such as swimming.

PROPOSAL

In summary, the applicant wishes to renew the existing 18 slip community pier located at the end of Edgewater Road and in a second phase of work, expand the renewed pier providing for an additional 10 slips for a total of 28 slips.

The applicant has indicated the existing pier will require upgrades to the current framing members and deck boards. According to the applicant in the letter of explanation and shown on the attached plan “Proposed Renewal Condition Plan” dated December 6, 2023, and prepared by Fetch LLC the dimensions of this existing pier are as follows: one (1) 8’ wide x 21’ long pier section, one (1) 8’ wide x 159’ long pier section, two (2) 2’ wide x 59’ long catwalks, one (1) 3’ wide x 49’ long finger pier, one (1) 3’ wide x 40’ long finger pier, two (2) 10’ wide x 20’ long platforms & one (1) 32’ wide x 20’ long main platform. The elevation of the existing pier, catwalks and platform should be replaced approximately one (1) foot higher than the current height because of surges and rising sea levels. All current piles are to remain in the same location and are not going to be replaced as part of the scope of work.

The existing Edgewater Road community pier facility also currently has a boat launch area (boat ramp). The current dimensions of the ramp are approximately 14 feet wide x 47 feet long. The ramp material is concrete and is joined by a timber wing wall and jetty to the northwest and rip rap to the southeast. The community does not plan to perform any work on the ramp at this time.

During the second phase of work, the community intends to add ten (10) additional slips at this pier. The scope of work according to the applicant in the letter of explanation and shown on the attached “Proposed Expansion Condition Plan” dated December 6, 2023, and prepared by Fetch LLC will include: removing the existing platforms (measuring a total of 52’ wide x 20’ long), installing an 8’ wide (with two, 2’ wide catwalks on either side totaling 12’ wide) x 65’ long pier extension, a new 52’ wide x 20’ long platform (same dimensions as above - two (2) 10’ wide x 20’ long platforms & one (1) 32’ wide x 20’ long main platform), six (6) 15’ long x 3’ max. wide tapered finger piers and eight (8) mooring piles. None of the platform areas are over submerged aquatic vegetation (SAV) and there is no disturbance to the 100 ft. buffer.

The applicant has indicated they intend to secure building permits for the phased project (renewal and expansion) within 18 months.

FINDINGS

There is no record of any special exception approval for the existing community pier which appears to have been established in some form prior to 1952 and in its current form since 1970. This special exception application is intended to formally recognize the long standing pier and provide for an expansion of this existing facility.

The specific criteria by which a special exception for a community pier and launching ramp may be granted are set forth under Article 18-11-142. of the Zoning Code. Additionally, all special exceptions are subject to the general standards contained in Article 18-16-304 and the Landscape Manual contained in Article 17 of the County Code.

Specific Standards - Article 18-11-142.

The proposed 28 slip community pier will comply with all of the following requirements as follows:

(1) The facility is located on a lot of 97,020 square feet in size and meets the minimum lot area of at least 30,000 square feet that is owned by a homeowner’s association.

- (2) Adverse effects on water quality and fish, plant, and wildlife habitat will be minimized as no platform area is proposed over submerged aquatic vegetation.
 - (3) Non water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer to the extent possible.
 - (4) Disturbance to the buffer appears to be the minimum necessary to provide a single point of access to the facility.
 - (5) The applicant has stated food, fuel, or other goods and services will not be offered for sale, and adequate and clean sanitary facilities shall be provided.
 - (6) The applicant has stated boarding ladders will be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.
 - (7) The applicant has stated United States Coast Guard approved personal flotation devices will be located along each pier or bulkhead at intervals not exceeding 100 feet.
 - (8) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited. While Round Bay is not a new residential subdivision, there are no private piers in this subdivision.
 - (9) The number of slips allowed with a community pier shall be the lesser of one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or a prescribed density of slips to platted lots or dwellings in the critical area.
- Round Bay is a subdivision of approximately 250 homes of which it has been calculated, there are 182 dwellings located within the Critical Area. The subdivision has a total shoreline length of approximately 3,224 linear feet of which 2,818 feet is designated LDA and 416 feet RCA. Based on these conditions, the Code allows the subdivision to have a maximum of 50 slips. The proposed development will bring the total count of slips in the subdivision to 46 which complies with the maximum number of slips allowed for this subdivision.
- (10) This provision does not apply to the subject property.

General Standards - Article 18-16-304.

In accordance with the general special exception standards the proposed community will not be detrimental to the public health, safety, and welfare. The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located.

The subject property is bounded on the east, west and north sides by a low density residential subdivision which is the community the pier serves. In this land use context the operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article.

There is no evidence that the proposed use will conflict with any existing or programmed public facility, public service, school, or road. The Health Department has no objection to the proposed use. The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use.

The applicant will present sufficient evidence of public need for the use.

AGENCY COMMENTS

The **Department of Health** had no objection to the application.

The **Development Division (Critical Area Team-Pier Approvals)** had no objection to the application.

The **Long Range Planning Division** advised that Plan2040 does not have recommendations that are specific to this site. The proposal is generally consistent with the overall goals and policies of Plan2040; including, but not limited to:

- Policy BE3.2: Ensure infill development and redevelopment in existing residential neighborhoods are compatible in scale, use, form and intensity with the surrounding neighborhood character.
- Policy HC8.2: Improve and expand recreational opportunities for all communities to have facilities and programs nearby.

The proposal is consistent with the 2022 Water and Sewer Master Plan.

RECOMMENDATIONS

Based upon the standards set forth in 18-11-142 and 18-16-304 under which a special exception may be granted for a community pier, the Office of Planning and Zoning would recommend the application to allow a renewed and expanded community pier with 28 slips and launching ramp be **approved** in accordance with the attached site plans.

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.