

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

APPLICANT: Jonathan Nelson

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0205-V

COUNCIL DISTRICT: 6

HEARING DATE: February 1, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicant is requesting variances to allow a pier and pilings with less setbacks than required and with greater length than allowed on property located at 2631 Greenbriar Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 6.92 acres of land split into two parcels separated by Wagon Trail Road. It is located with approximately 380 feet of frontage on the east side of Greenbriar Lane, south of Pilot House Drive and is identified as Parcel 187 in Block 3 on Tax Map 51H in the Greenbriar subdivision.

The vast majority of the property is split-zoned primarily R2 – Residential District with OS - Open Space District at the shoreline. The current zoning was adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. This waterfront lot on Crab Creek lies entirely within the Chesapeake Bay Critical Area, and is designated as RCA - Resource Conservation Area and LDA – Limited Development Area. The northern portion of the site is improved with a dwelling and associated facilities. The southern portion is undeveloped.

PROPOSAL

The applicant proposes to construct a new 3' x 78' elevated walkway, a 6' x 173' pier (two sections 143 feet and 30 feet long) with a 10' x 20' platform, and four boat lift piles (two attached to the pier) the furthest structure 181' from MHW.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning ordinance provides that a pier or mooring piling shall be located at least 15 feet from a lot line extended. The proposed pier would be constructed requiring the following zoning variances to the setback requirements:

1. Pier & platform: 15 feet on the easter side as close as 0 (zero) feet from the property line extension (PLE)
2. Pier & platform: five feet on the western side as close as 10 feet from the PLE and five

feet from the eastern side as close as 10 feet from the PLE

Pilings: starting with the southwest corner shown above the last “N” in “EXTENSION” on the western side of the site plan

3. Piling: 15 feet on the western side as close as 0 (zero) feet from the PLE and 4 feet on the eastern side 11 feet from the PLE
4. Piling: 12 feet on the western side as close as 3 feet from the PLE
5. Piling: This piling meets the 15’ setbacks on both sides, no variance required. This is an inside boatlift piling and connected to the pier.
6. Piling: 2 feet on the western side as close as 13 feet from the PLE¹ and 5 feet on the eastern side 10 feet from the PLE. This piling is an inside boatlift piling and connected to the pier.

§ 18-2-404(c)(2) provides that a pier or mooring piling may not extend into the water any further than one-half the distance from the mean high-water (MHW line to the center point of a cove. The center point is 202 feet from the mean high-water line, limiting the pier to a maximum length of 101 feet. The proposed pier is located 195 feet from MHW requiring a variance of 94 feet. The furthest piling is located 197 feet from MHW requiring a variance 96 feet.

FINDINGS

A review of the 2023 County aerial photograph shows that the subject site is irregularly shaped with limited waterfront at the head of Crab Creek. All other waterfront properties on Crab Creek contain piers and other associated improvements.

The applicants’ letter explains that the water depth decreases drastically toward the shoreline and they seek to get to deep enough water to dock a boat on a boat lift. They explain that the small pie slice allowable for construction of a pier is not large enough to install a pier long enough to reach navigable water. They opine that the proposed pier would not be a navigational concern for the adjacent waterfront property owners now or in the future as the neighboring properties contain piers that are located at least 150 feet from the proposed pier and it would not make practical sense for these neighbors to relocate their piers closer to the proposed pier in the future due to the water depths.

The **Development Division (Critical Area Team)** notes that the purpose of this variance request is to allow a pier, associated boat lift pilings, and a water access walkway with fewer setbacks than required and a greater length than allowed. The site plan has been corrected from a previously submitted site plan for this project and is based on a signed and sealed survey. The property line extension method applied is a point-of-cove reference and the property line extensions are now drawn correctly according to the land survey. The request meets all requirements for zoning variances per Article 18-16-305. All necessary critical area mitigation will be assessed before issuance of the permit. The critical area team of OPZ has no objections to this proposal.

¹ The 13’ distance is not shown on site plan but has been verified by the applicant’s agent. This measurement should be added to site plan prior to the building permit

The **Health Department** commented that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems and has no objection to the proposed request.

The **Department of Recreation and Parks** commented that a portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

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 site is located where the extended lot lines are drawn to a point of cove, restricting the buildable water area; and the cove is shallow, resulting in the need for additional pier length in order to reach a usable water depth.

Piers are common amenities for waterfront properties. This waterfront property is located at the headwaters of Crab Creek and has very shallow water depth. Approval of the setback variances would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, or be detrimental to the public welfare. Given the cove location and the shallow water depth, it is clear that some variance relief is warranted. The applicants are proposing a pier that would be located within their defined waterway that gives them access to a reasonable water depth therefore, this proposal can be considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends a ***approval*** of the requested variances to § 18-2-404(b) and § 18-2-404(c)(2) to allow the pier and pilings as shown on the site plan submitted.

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.

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

11/16/2023

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The purpose of this variance request is to allow a pier, associated boat lift pilings, and a water access walkway with fewer setbacks than required and a greater length than allowed.

The site plan has been corrected from a previously submitted site plan for this project and is based on a signed and sealed survey. The property line extension method applied is a point-of-cove reference and the property line extensions are now drawn correctly according to the land survey.

The request meets all requirements for zoning variances per Article 18-16-305. All necessary critical area mitigation will be assessed before issuance of the permit. The critical area team of OPZ has no objections to this proposal.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Task Specific Information

Due Date

12/05/2023

Assigned to Department

OPZ Critical Area

Status Date

12/08/2023

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Review Notes

Reviewer Email

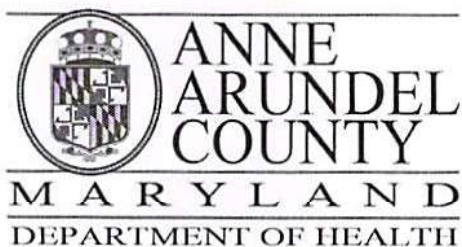
PZMATH20@aacounty.org

Reviewer Name

MELANIE MATHEWS

Reviewer Phone Number

410-222-7960



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Maryland Relay (TTY): 711
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Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

BC

DATE: November 21, 2023

RE: Jonathan Nelson
2631 Greenbriar Lane
Annapolis, MD 21401

NUMBER: 2023-0205-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier and pilings with less setbacks than required and with greater length than allowed.

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



STUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
A.ACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2023-0205-V

DATE: November 21, 2023

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This request is to allow a pier and pilings with less setbacks than required and with greater length than allowed.
- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 200 400
ft



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