

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

APPLICANT: Greg & Bonnie Newlin

ASSESSMENT DISTRICT: 7

CASE NUMBER: 2023-0215-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: February 15, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting variances to allow a pier and two boatlift pilings with less setbacks than required on property located at 4929 Chalk Point Road in West River.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 12,500 square feet of land, more or less, and is located with approximately 50 feet of frontage on the east side of W. Chalk Point Road, 300 feet north of E. Chalk Point Road. The property is identified as Lot 28 on Parcel 176, in Grid 14 on Tax Map 69 in the Chalk Point subdivision. The property has been zoned R5-Residential District since the adoption of comprehensive rezoning for Seventh Council District October 7, 2011.

This lot is platted to the West River, is within the Chesapeake Bay Critical Area designated as LDA - Limited Development Area, and is mapped within a buffer modification area.

The site is developed with a dwelling. The property is served by a private well and public sewer.

APPLICANTS' PROPOSAL

The applicants propose to construct a pier (200' x 6') with two boat lift pilings, and a kayak lift.

REQUESTED VARIANCES

§ 18-2-404 (b) of the Code requires a pier or mooring piling be set back a minimum of fifteen feet from a lot line extended whereas the applicant has proposed a pier eleven feet from the southern side property line extended and two boat lift pilings zero feet from the northern property line extended necessitating variances of four feet for the pier and fifteen feet for both of the pilings.

FINDINGS

This Office finds that the subject property has approximately 40 feet of frontage at the water's

edge, but due to the curvature of the shoreline the property line extensions provide only 32 feet of water area. Accounting for setbacks the buildable water area is only two feet wide therefore, the narrowness of the buildable water area creates a justifiable hardship. Denial of a variance would prevent use of the waterfront for a pier.

A review of the County aerial photo from 2023 shows piers are common along this shoreline.

The **Anne Arundel County Department of Health** has reviewed the well water system on the property and has determined that the proposal does not affect the well water supply system.

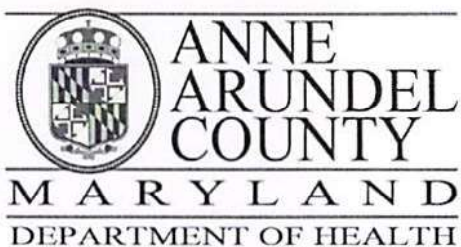
The **Development Division (Critical Area Team)** commented that the property line extensions have been reviewed, are drawn according to the generally parallel method of determining property line extensions, and are based on the metes and bounds of the recorded plat and deed of the subject property. The Critical Area Team has no objection to the request.

Approval of the variances would not alter the essential character of the neighborhood nor impair the use of the neighboring properties as nearby properties are already developed with piers and associated slips. The variances would not be detrimental to the public welfare. The requested variances for the pier and pilings are considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends **approval** of the variance of four feet to allow the pier to be located as close as eleven feet from the southern property line extended; and recommends **approval** of variances of fifteen feet to allow two boat lift pilings zero feet from the northern property line extended 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.



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
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: December 11, 2023

RE: Greg Newlin
4929 W Chalk Point Road
West River, MD 20778

NUMBER: 2023-0215-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.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

12/01/2023

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The purpose of the variance request is to allow relief from the requirements of 18-2-404(b). The property line extensions have been reviewed, are drawn according to the generally parallel method of determining property line extensions, and are based on the metes and bounds of the recorded plat and deed of the subject property. The request meets the requirements of Zoning Variances as outlined in Article 18-16-305(a). As such, the critical area team of the Office of Planning and Zoning has no objection to the request.

End Time

Due Date

12/21/2023

Assigned to Department

OPZ Critical Area

Status Date

12/20/2023

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

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

Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

MELANIE MATHEWS

Reviewer Phone Number

410-222-7960



Legend

Foundation

Addressing




Parcels



Parcels - Annapolis City



 0 100 200 ft

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