

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

APPLICANT: Reece Eikenberg

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0232-V

COUNCIL DISTRICT: 3rd

HEARING DATE: March 5, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow a pier and boatlift pilings with less setbacks than required at 852 North Shore Drive in the subdivision of Silver Sands, Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 45 feet of road frontage on the northeast side of North Shore Drive, 50 feet southeast of Gunther Road. The property is 5,800 square feet in area and is identified as Lot 28 in Parcel 474, Grid 1 on Tax Map 17. The property has been zoned R2-Residential District since the adoption of the zoning maps for the Third Council District effective January 29, 2012.

This is a waterfront lot located on the south shore of Long Cove off Stoney Creek. These lands are located in the Chesapeake Bay Critical Area and have been designated LDA-Limited Development Area. The shoreline of the property is also located in a designated buffer modification area.

The subject property is currently developed with a single-family detached dwelling. These lands also enjoy a six-foot wide, 80-foot long pier with two boat lift pilings located approximately 13 feet of the southeast side of the pier. There is a set of stairs measuring three feet by six feet located off the southeast side of the pier approximately 15 feet off the shoreline.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a five-foot wide by 15-foot long extension to the existing 80-foot long pier. Two boat lift pilings are also proposed along the northwest side of the pier at pier end to provide for a 14-foot wide boat lift.¹

REQUESTED VARIANCE

Section 18-2-404(b) of the Anne Arundel County Zoning Code stipulates that a private pier or mooring piling must be setback at least 15 feet from property lot lines extended. Two boat lift

¹ The adjacent property owner is proposing to locate two boatlift pilings within the extended property lines of the subject property (Case 2023-0233-V).

pilings are proposed to be located one foot from the extended northwest property line extended requiring variances of 14 feet to the Code.

FINDINGS

This Office finds that the subject property has 48 feet of frontage on the water. Typically, a lot with 50 feet of water frontage can accommodate both a six foot wide pier and 14 foot wide boat lift and pilings within the required 15 foot side property line extension setback. The applicant already has the use of a 13-foot wide boatlift on the southeast side of the pier. A lot with only 48 feet of frontage on the water cannot be expected to support boat lifts on either side of a pier. As the property already enjoys the use of a boatlift, denial of the variances to accommodate a second boatlift would not cause hardship in the use of these lands.

Since the variances are not warranted they cannot be considered the minimum necessary to afford relief.

The requested variances in conjunction with those sought by the adjacent property owner will alter the essential character of the neighborhood and substantially impair navigation to the subject property and that property immediately to the west. Finally, the variances will be detrimental to the public welfare as they do not provide for reasonable safe passage of vessels.

The **Critical Area Team in the Development Division** advised the subject property encompasses approximately 48' of shoreline according to the recorded plat of Silver Sands in Plat Book 21 page 36 in the Maryland Land Records. Article 18-2-404 requires a 15' setback from each property line as it extends channelward. This leaves a 13' wide waterway for the applicant to construct a pier and associated mooring/boat lift pilings. A pier and boatlift exist and were constructed under building permit B02353432.

The applicant proposes to extend the pier and add a 14' wide boat lift on the north side of the pier which will be adjacent to proposed lift pilings on the adjacent pier. The proposed 14' wide boat lift appears to overlap the proposed boat lift of the adjacent property, also requested under a variance, creating a hazardous situation when docking large vessels.

It is the opinion of the critical area team that this proposal does not meet the requirements of Article 18-16-305(C) as it pertains to the requirement of being the minimum necessary. As such, the Critical Area Team recommends denial of the requested variances.

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

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305, under which a variance may be granted, the Office of Planning and Zoning recommends the requested variances be **denied**.

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.