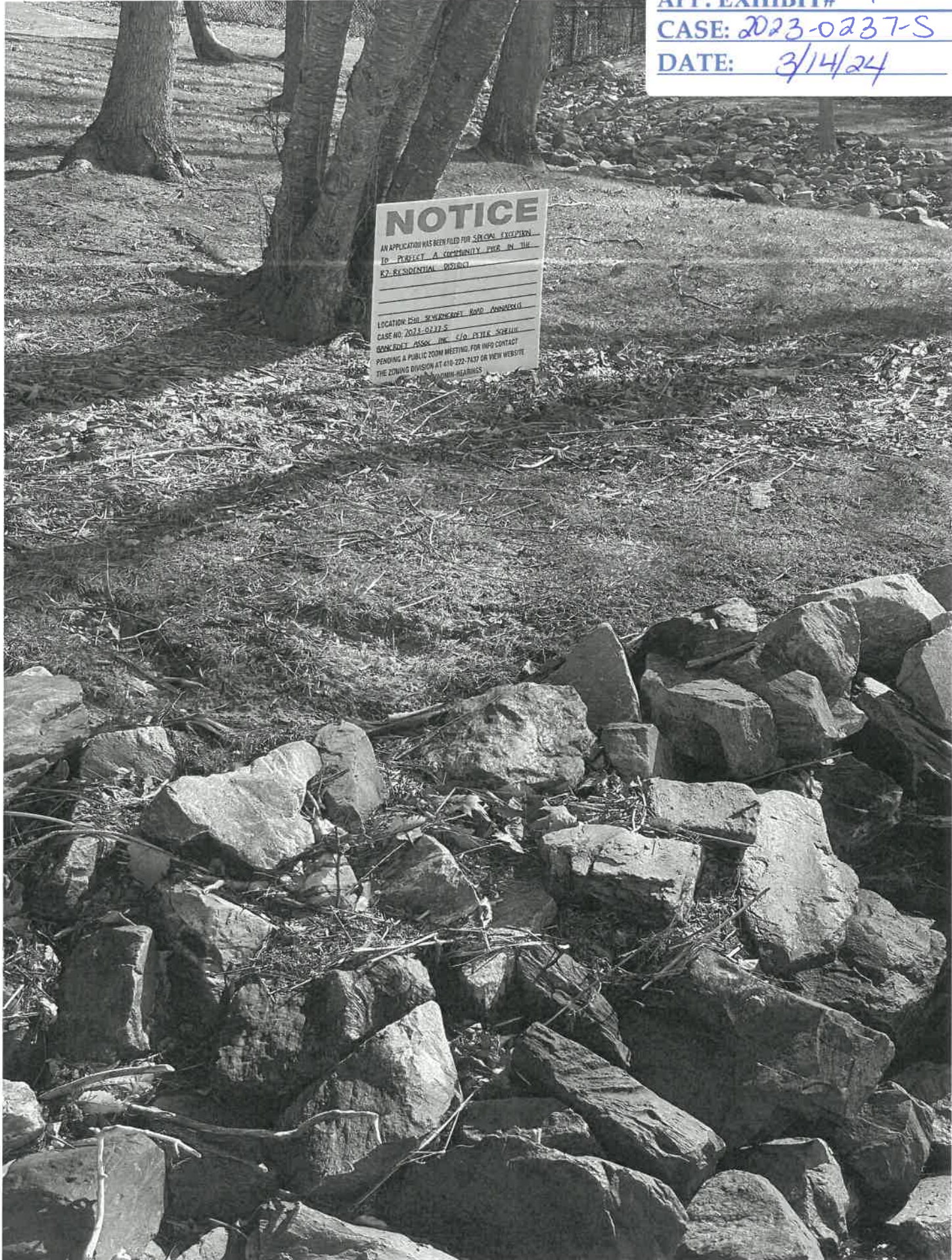


APP. EXHIBIT# 1
CASE: 2023-0237-S
DATE: 3/14/24

NOTICE
AN APPLICATION HAS BEEN FILED FOR SPECIAL EXCEPTION
TO PERMIT A COMMUNITY PIER IN THE
R7 RESIDENTIAL DISTRICT

LOCATION: 2511 SE WILSON AVE, HOOD RIVER, OREGON
CASE NO. 2023-0237-S
CONTACT: ASSOC. TOW. C/O PETER SCHILLI
PENDING A PUBLIC ZOOM MEETING. FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE
WWW.HOODRIVER.ORG/PLANNING/HEARINGS



NOTICE

AN APPLICATION HAS BEEN FILED FOR SPECIAL EXCEPTION
TO PERFECT A COMMUNITY PIER IN THE
R2-RESIDENTIAL DISTRICT.

LOCATION: 1510 SEVERNCROFT ROAD ANNAPOLIS
CASE NO: 2023-0237-S
BANCROFT ASSOC. INC C/O PETER SCHELLIE
PENDING A PUBLIC ZOOM MEETING. FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE
WWW.AACOUNTY.ORG/ADMIN/HEARINGS

APP. EXHIBIT# 2
CASE: 2023-0237-S
DATE: 3/14/24

PETER D. SCHELLIE, ESQUIRE
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410 757.9299
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March 5, 2024

The Honorable Douglas Clark Hollmann, Esq.
Office of Administrative Hearings
Anne Arundel County
Arundel Center
Annapolis, MD 21401

RE: Hearing on 2023-0237-S,
Request For Special Exception To
Rebuild Bancroft Community Pier

Dear Sir:

This is presented in connection with the hearing scheduled for March 14, 2024, on a request for a Special Exception, or, in the alternative, an amendment to an existing Special Exception, to rebuild a long-existing community pier. This letter, together with several attachments, is respectfully submitted to supplement the application filed December 20, 2023 (the "Application"), as subsequently modified by a revised site plan, which was filed on or about January 26, 2024 in response to a comment received from Anne Arundel County Planning and Zoning.

The existing community pier is located on the Severn River in the Bancroft on the Severn community ("Bancroft"). Bancroft is a nine-lot subdivision comprised of approximately 26 acres and is located on the Broadneck Peninsula on the Eastern side of the Severn River, approximately one mile north of the Pearl Harbor Memorial Bridge, perhaps more commonly known as the Route 50 Bridge.

Bancroft was platted as a subdivision in 1987 and is governed by a home owners association, Bancroft Association, Inc., a Maryland corporation (the "Association"). Copies of the plat and the deed to the Association were filed with the Application.

In connection with the development of Bancroft, a community pier was constructed in the late 1980s, extending out from the recreation area. The recreation area is comprised of approximately 49,600 square feet and has riparian rights along the Severn River. Both the community pier and the recreational area are only for the benefit and use of the members of the Bancroft community.

Although the Association's records are limited and it has no records from the 1980s or 1990s, it is our understanding that in the late 1980s, a variance and a Special Exception were sought and granted to construct a community pier at Bancroft. Those were filed as 1989-0284-V and 1989-0285-S (the "Prior Approvals"). As noted in the Application, we would like to view it as being either for a Special Exception or as an amendment to the Special Exception granted in 1989.

The existing community pier is comprised of two segments, a main pier that extends from the shoreline to a perpendicular "T" pier, from which there are nine slips. In the course of this process, the Association has been advised that the main pier, at some point in the late 1990s, was shifted somewhat southerly, changing an "L" shaped pier to a "T" shape. However, the "T" pier, which has the slips, has been in the same location since its initial construction in the late 1980s.

The combined effects of age, weather, a substantial increase in boat traffic on the Severn River, and increased water levels have caused the substantial deterioration of the existing community pier. These factors, which include frequent over-topping of the pier since it is at too low an elevation, result in a serious and escalating safety hazard. Over the past winter, those effects, presumably aggravated by one case of extremely high water on January 10/11, 2024, have caused the failure of both piling caps and stringers. The Association considers the existing community pier to be hazardous and has taped off the pier to prevent people from going onto the pier. In fact, the Association has asked boat owners using slips along over 100' of the existing pier at the southerly end to move their boats, given visible failures of that portion of the "T" pier. At this point, the "T" portion of the community pier is in danger of a complete failure.

All of the nine members of Bancroft support the rebuilding of the community pier. Each understands the problems and failures evident in the existing community pier and supports building a new community pier.

The following is submitted to further support the Application and, in one case, address a supplementing modification to the site plan.

Seeking a Special Exception. The Association is mindful that, as often described, a special exception is neither special nor an exception. To obtain a special exception, the Application must satisfy 11 general requirements and a number of specific requirements that relate to the use involved, which for community piers involves 10 specific requirements. Once satisfying those two sets of criteria, a special exception is appropriate.

The Association believes that the Application satisfies both the general and the specific criteria in order to obtain a special exception. Submitted with this letter is an expanded version of a Supplement that was filed with the Application. We look forward to answering any questions about it or the proposed rebuild.

Site Plan Modification. The site plan submitted with the Application reflected, among other things, the extension of the property lines on both sides of the Bancroft owned property, from which the existing and proposed community pier extend, and the required 25-foot set back from each side. The extension of both the northerly and southerly property lines in the original filing used the last call method. On January 23, 2024, the Association received a comment from Anne Arundel County Planning and Zoning expressing a concern by the Critical Area Team about the northerly property line extension. After discussions with Planning and Zoning and the Association's engineer, on January 26, 2024 the Association submitted a revised site plan dated January 25, 2024. The revised site plan changed the northerly property line extension by changing it from the last call method to making the extension line perpendicular to the shoreline. We were advised that the Critical Area Team accepted the revised site plan as addressing the expressed concern. The modification, which has become part of the Application, does not change or affect any aspect of the community pier rebuilding sought in the Application. All existing and proposed construction is, and will take place, between the northerly and southerly property line setbacks as described in the modified site plan. The revised site plan is included in the materials posted in connection with this hearing.

Signs Posted. The Association was advised that it needed to post two signs providing notice of the Application. It has posted those signs, one facing the closest public road, Severncroft Road, and the other facing the water. Those two signs were posted on February 8, 2024 and remain posted. Pictures of the signs, as posted, are included with this letter.

All nine lot owners and members of the Association support the replacement of the community pier. That includes those owners who are within 300 feet of the proposed replacement, whose names and mailing addresses were filed with the

Application. Included are Andi Gendell, who is the President of the Association, and Alex Nunez, who is the Secretary of the Association

We believe that the Application, its attachments and this letter and submissions satisfy the requirements to obtain a Special Exception to enable the Bancroft Association to rebuild its community pier. We look forward to addressing our request in the hearing.

Respectfully yours,



Peter D. Schellie

Cc: Andi Gendell, President
Charles M. Ruland, M.D., Vice President

ATTACHMENTS

- 1 -- Supplemental Review of Code Provisions as Applied to Bancroft Application
- 2 -- Two pictures of posted signs (Facing public road and water)

**March 14, 2024 Hearing on
Bancroft Association, Inc.
Request for Special Exception**

APP. EXHIBIT# 3
CASE: 2023-0237-S
DATE: 3/14/24

Case Number 2023-0237-S

The Applicant, Bancroft Association, Inc., respectfully submits that its application for a Special Exception (the "Application") in order to replace its existing community pier with a new community pier satisfies all of the applicable requirements for a Special Exception, both the general requirements and the requirements specific to a community pier. That compliance is detailed below.

§ 18-16-304. Special exceptions.

- (a) **Requirements.** A special exception use may be granted only if the Administrative Hearing Officer makes each of the following affirmative findings:

- (1) The use will not be detrimental to the public health, safety, or welfare;

The proposed community pier replacement will improve public health, safety and welfare by replacing a failing structure with a sound one. It will not be detrimental to the public health, safety, or welfare and the replacement community pier will comply with all requirements regarding safety ladders and personal floatation devices.

- (2) 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 proposed community pier replacement is a pier, with no building, wall or fence, and will be constructed of upgraded materials and construction techniques and, except for a modest increase of elevation above the water to reflect water level and usage changes, it will be in the same configuration as the existing community pier. Since all work will be from the water, landscaping will not be affected and there will be no access roads. The rebuilt community pier is consistent with the orderly development in the district.

- (3) 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;

The proposed community pier will continue to be a conventional community pier and will not generate noise, fumes, vibration or, except for conventional pier safety lighting, light.

- (4) The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;

There will be no adverse effects beyond those of any community pier, which we view as being minimal if not non-existent.

- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;

The proposed community pier does not conflict with, or even affect, any public service, school, or road.

- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;

We assume these will be provided in due course and we will respond to them accordingly. One comment was received January 23, 2024 expressing a concern about the northerly property line extension on the site plan originally filed with the Application. On January 26, 2024 we filed a revised site plan, which we have been advised satisfied the concern that had been expressed.

- (7) The proposed use is consistent with the County General Development Plan;

We believe that, as a continuing use as community pier over decades, this use is consistent with the Plan, but we assume that if there is any question it will be raised in the review process.

- (8) The applicant has presented sufficient evidence of public need for the use;

The need is to replace a deteriorating community pier and we believe is consistent with a policy that favors sound and safe community piers.

- (9) 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 following description outlines the adherence to the specific criteria for community piers set forth in Section 18-11-142. Both the existing and the proposed community pier are, and will be, used for resident boat dockage and resident

recreational use and no other purpose. The Association commits to continuing to adhere to the specific use criteria.

- (10) The application will conform to the critical area criteria for sites located in the critical area; and

The proposed replacement is a pier over the water and it will be done from the water, so there will be no critical area land impacts. If any concerns are raised in this respect, we will respond to them, as was done with regard to the lot line projection issue.

- (11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

No land disturbance is involved in replacing the community pier from the water and no trees, shrubs, or other landscaping will be affected. Accordingly, we do not believe this requirement applies to the Application.

§ 18-11-142. Piers and launching ramps, community.

A community pier or launching ramp shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 30,000 square feet that is owned by a homeowner's association.

The recreational area, which is contiguous to the current and proposed community pier, is 1.139 acres or 49,608 square feet and is owned by Bancroft Association, Inc., the applicant, as demonstrated by the copy of the deed filed with the Application.

- (2) Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.

The work will be performed from the water and efforts will be made to avoid adverse impacts on water quality and fish, plant and wildlife habitat.

- (3) Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.

There will be no such operations and the pier replacement will be done from the water, so we do not believe that this requirement applies to the Application.

- (4) Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.

As noted, the community pier replacement will be done from the water. There is and will continue to be only a single point of pedestrian access to the water, which will be retained.

- (5) Food, fuel, or other goods and services may not be offered for sale, and adequate and clean sanitary facilities shall be provided.

No food, fuel, or other goods or services will be offered for sale and this is small community pier with all residences nearby, and any sanitary facilities are addressed as in the Prior Approvals referred to in the Explanation Letter.

- (6) Boarding ladders shall 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.

The replacement pier will have boarding ladders in accordance with these requirements and a site plan showing locations has been provided to Planning and Zoning.

- (7) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.

The proposed pier will have personal flotation devices in accordance with this requirement and a site plan showing locations has been provided to Planning and Zoning.

- (8) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited.

This requirement does not apply since Bancroft is an existing subdivision and we are seeking to replace an existing a community pier with another community pier.

- (9) The number of slips allowed with a community pier shall be the lesser of the following:

- (i) 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

- (ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

There are nine (9) platted lots in Bancroft and the proposed new community pier will have nine (9) slips.

(10) In the event the parcel or lot has riparian rights and the proposed development is located on a portion of the parcel or lot that is out of the critical area, these rights may be utilized in accordance with permitted use criteria established for the critical area classification through the use of a community facility established in accordance with § 18-10-144, based on the actual length of shoreline or potential density that would have been permitted within the critical area portion of the parcel or lot.

This provision does not apply to the Bancroft Application.