

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

APPLICANT: Keith A. Smith

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0016-V

COUNCIL DISTRICT: 6th

HEARING DATE: April 4, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow mooring pilings with less setbacks than required at 3327 Shore Drive in the subdivision of Oyster Harbor, Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 48 feet of road frontage on the east side of Shore Drive, 0 feet north of Ellis Road and is 6,513 square feet in area and is identified on Tax Map 57, Grid 21, as Lot 3, Block 1 in Parcel 8. The property has been zoned R2-Residential District since the adoption of the zoning maps for the Sixth Council District effective October 7, 2011.

This is a waterfront lot located on Chesapeake Bay and is located in the Chesapeake Bay Critical Area. These lands are designated “LDA-Limited Development Area”. The shoreline of the property is located in a designated buffer modification area.

The subject property is currently developed with a single-family detached dwelling.

APPLICANT’S PROPOSAL

The applicants are proposing to construct a 143-foot long (measured from mean high waterline) six-foot wide pier which includes a 20 foot long by 10 foot wide platform at the pier end. Two mooring pilings are to be located off the south side of the proposed pier platform.

REQUESTED VARIANCE(S)

Section 18-2-404 (b) of the Anne Arundel County Code requires that a pier or mooring piling be located at least 15 feet from a lot line extended for a private pier. The applicant has proposed two pilings as close as 12 feet and 11 feet from the extended property lines necessitating variances of three and four feet respectively.

FINDINGS

The subject property is substandard with respect to the minimum lot width (50 feet vs. the required 80 feet) and required lot area (6,513 square feet vs. the required 15,000 square feet for a lot with

public sewer) for a lot served by public sewer in an R2 District. Typically, docking and mooring facilities require 50 feet of frontage on the water to provide for a six-foot wide pier and a 14-foot wide boat lift set back 15 feet from the extended side property lines. However in the case of the subject lands the extended property lines do converge inward out from the property. These conditions do create a practical difficulty in complying with the Code requirements for the location of mooring pilings.

The variances to the extended side lot line setback are intended to accommodate a modest 10.5-foot wide lift. The variances could however be minimized further by not locating the platform at the pier end along with the boat lift. If the boat lift was simply located off a six foot wide section of pier the requested variances for each boat lift piling would be reduced by four feet. Consequently, the request as submitted is not considered to result in the minimum variances necessary to afford relief.

Approval of the variances would not necessarily alter the essential character of the area. The subject property is located adjacent to another narrow lot to the south developed with a dwelling and where a pier has yet to be constructed. The proposed location of the subject pilings could constrain future development of that site for a pier and mooring pilings. The request will not result in development that would be contrary to acceptable clearing and replanting practices, reduce forest cover in the Limited Development Area or be detrimental to the public welfare.

In summary, the applicant has not demonstrated that the variance is the minimum necessary to afford relief.

Agency Comments

The **Development Division** - Critical Area Team advised the property line extensions are approved as drawn. The Critical Area Section had no objection to the proposed variance for pilings placed within the 15' setbacks.

The **Anne Arundel County Department of Health** advised they have determined that the proposal does not adversely affect the well water supply system and have no objection to the request.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305, under which a variance may be granted this Office recommends the request for variances be ***denied*** 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.