

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

APPLICANT: Michael G. Alesandrini

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0024-V

COUNCIL DISTRICT: 7

HEARING DATE: April 11, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting variances to allow pilings with less setbacks than required on property located at 212 Riverside Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 18,350 square feet of land and is located with approximately 106 feet of frontage on the north side of Riverside Road. It is identified as Lot 19 of Parcel 114 in Grid 7 on Tax Map 56 in the South River Park subdivision. The property is zoned R5 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The waterfront lot lies entirely within the Chesapeake Bay Critical Area, is designated as IDA – Intensely Developed Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a one-story dwelling, sheds, a pool, a residential pier with a covered platform, and associated facilities.

PROPOSAL

The applicant proposes to remove a 10' x 20' section of the existing pier in order to install two boat lift pilings and a 10' x 15' boat lift.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance provides that a private pier or mooring piling shall be located at least 15 feet from a lot line extended.

- (1) A proposed mooring piling would be located as close as zero feet from the east side lot line extended, necessitating a variance of 15 feet.
- (2) A second proposed mooring piling would be located as close as one foot from the east side lot line extended, necessitating a variance of 14 feet.

FINDINGS

The subject property is oversized in relation to the minimum lot size of 7,000 square feet and the minimum lot width of 60 feet for lots in the R5 District. A review of the County aerial

photography shows that the nearby waterfront lots contain piers, boat lifts and other associated improvements, clustered in a curving shoreline of Warehouse Creek. The subject property contains a pier and a platform with a pavilion. It does not appear that the existing or previous owners ever kept a boat at the subject pier.

Building permit, B02423530, for the installation of two piles and the removal of a section of the pier, was submitted on January 22, 2024, prior to the submission of the variance application. Variance approval must be obtained prior to the building permit being issued.

Enforcement action is pending for building complaint case B-2023-626 for an accessory structure, electrical, and fence without permits. Building permits B02420964 (to install a fence), B02422964 (to demo and rebuild the single family dwelling), and B02423938 (to remove two sheds and construct a new shed) are also pending at the subject property.

The applicant's letter explains that due to the narrowing of the property lines at the waterfront, the entire pier is located within the setbacks of the southwest and northeast extended property lines. The letter further explains that a 10' x 20' platform will be removed in order to install two piles on the northeast side of the pier to accommodate a boat lift for a 32 foot boat. The letter states that the existing pier platform is located 17 feet from the neighbors' pier to the northeast, and that the proposed lift piles will be located 16 feet and 20 feet from that pier.

Agency Comments

The **Development Division (Critical Area Team)** notes that the property line extensions on the site plan are drawn as a direct extension of the last course of the lot line into the water. Their Office approves this method, rather than using the point of cove, based on the current conditions of the shoreline, which are crowded with piers and associated structures. Their Office has no objection to the requested variances.

The **Health Department** has no objection.

Variance Criteria

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 subject property is approximately 35 feet wide along the waterfront and the extended side lot lines converge into a narrow wedge. There is no reasonable possibility of complying with the Code because the resulting setbacks overlap, with no buildable area over the water. By replacing the 10' x 20' platform, with a 15' x 10' boat lift and pilings, the proposed northeasternmost piling will encroach into the setback all the way to the extended property line, 5 feet closer than the existing platform. However, because the mooring pilings and boat lift would be shifted closer to the shoreline, that piling will only be one foot closer to the neighbors' pier than the applicant's existing platform. As such, their request does not appear to negatively

impact the navigation or use and enjoyment of the adjacent waterfront lot.

The granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the requested variances to § 18-2-404(b) to allow two (2) mooring pilings with less setbacks than required, as shown on the 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.

WAREHOUSE CREEK

EXISTING CONDITIONS

Fetch
329'



David & Kathleen Bernetti
216 Riverside Road
Edgewater, MD 21037

#212

Clarence Dawson
204 Riverside Road
Edgewater, MD 21037
Mailing address:
206 Riverside Road, Edgewater, MD 21037

Douglas & Patricia Dawson
206 Riverside Road
Edgewater, MD 21037
Mailing address:
239 Munroe Ave
Edgewater, MD 21037

Scale: 1" = 40'

FOR PERMIT USE ONLY

 **RKN**
Marine Permits & Services
1160 Indian Landing Road
Millersville, MD 21108
renee.norris@comcast.net

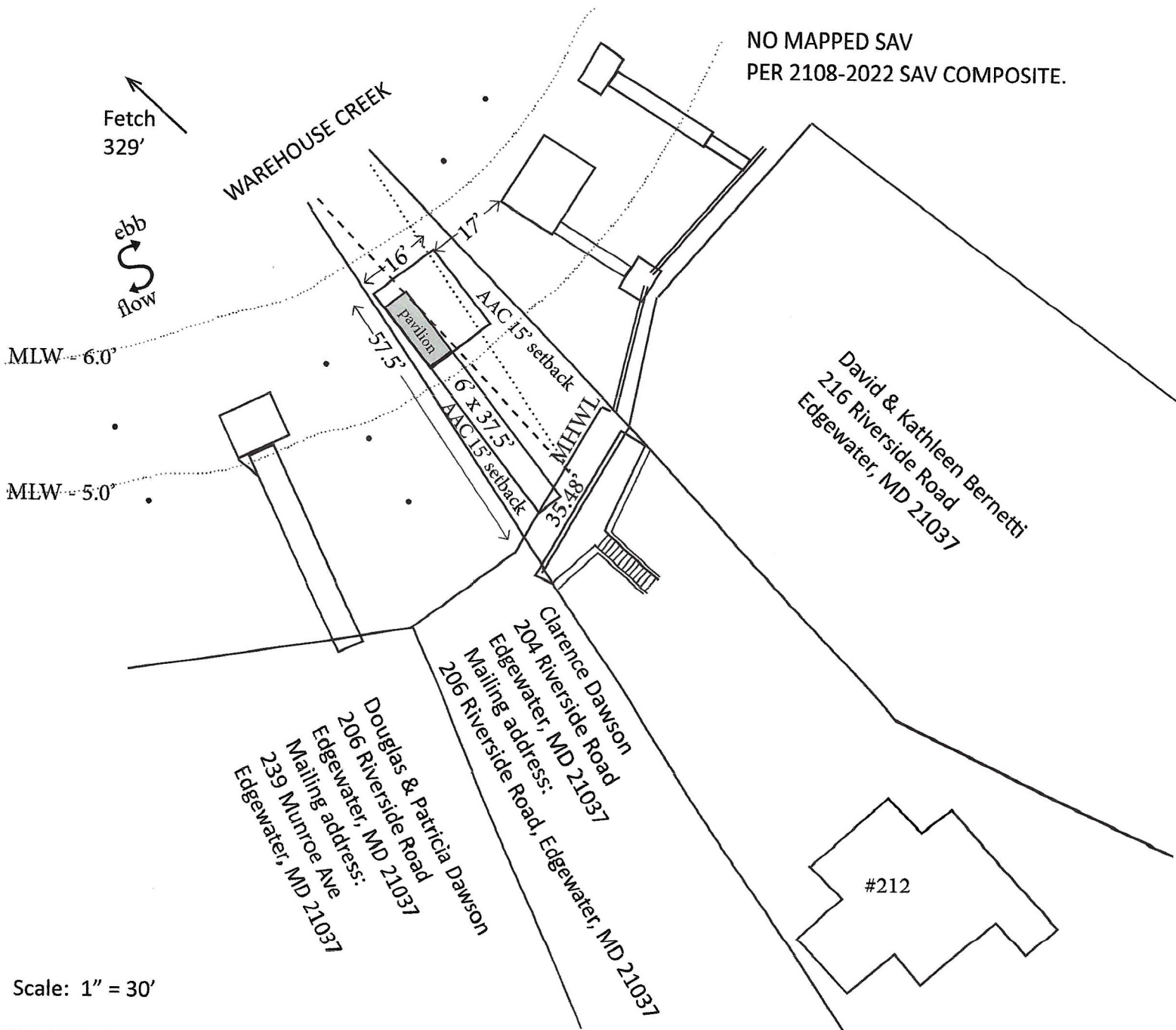
OWNER

Michael Alesandrini
212 Riverside Road
Edgewater, MD 21037
AAC/1746-0114-9700
Warehouse Creek/South River
1/19/2024

PROPOSED CONSTRUCTION

Remove 10' x 20' section of pier.
Install two boat lift piles for one 10' x 15' boat lift.

EXISTING CONDITIONS - DETAIL



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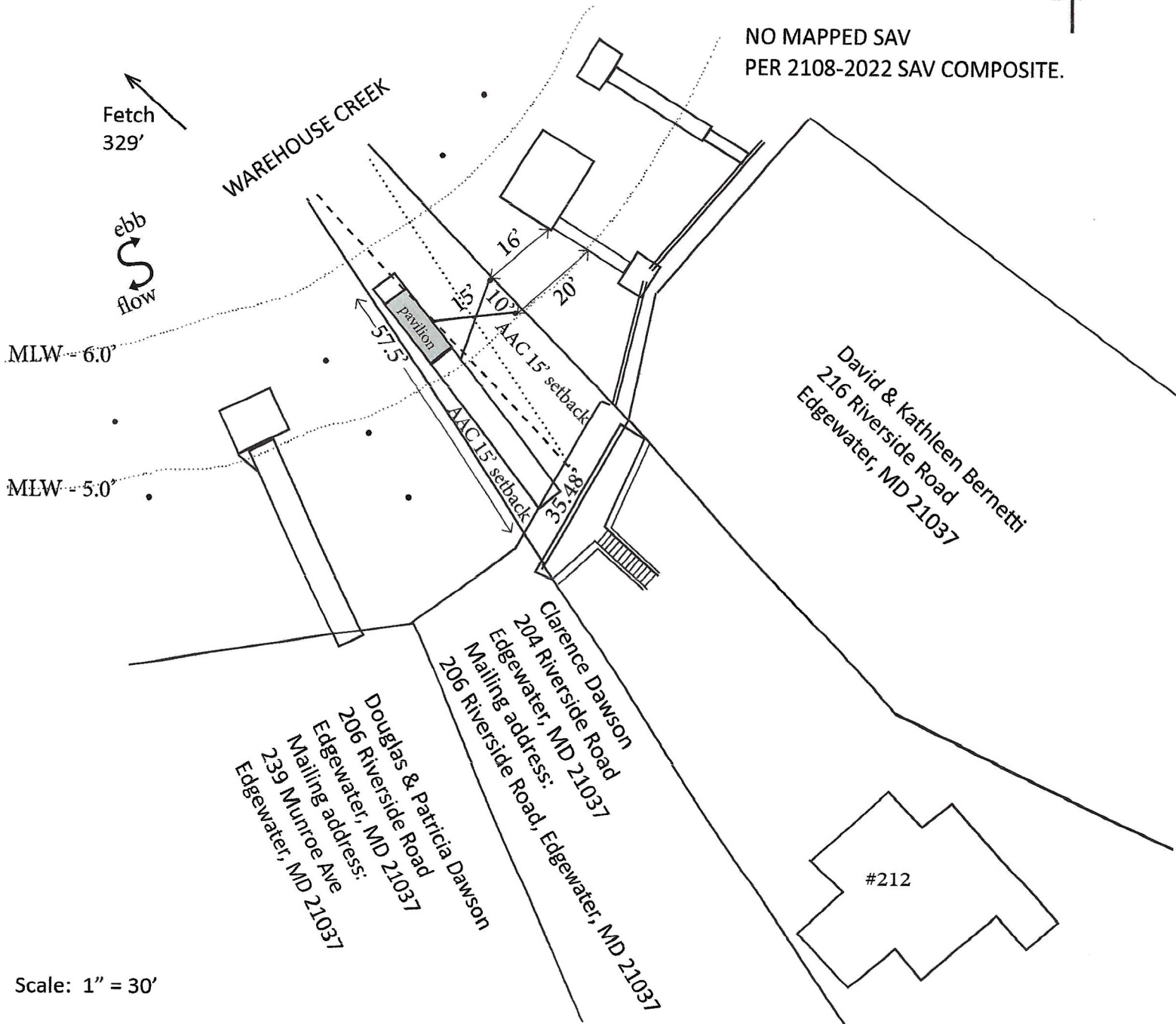
OWNER

Michael Alesandrini
212 Riverside Road
Edgewater, MD 21037
AAC/1746-0114-9700
Warehouse Creek/South River
1/19/2024

PROPOSED CONSTRUCTION

Remove 10' x 20' section of pier.
Install two boat lift piles for one 10' x 15' boat lift.

PROPOSED CONSTRUCTION



Scale: 1" = 30'

FOR PERMIT USE ONLY

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OWNER

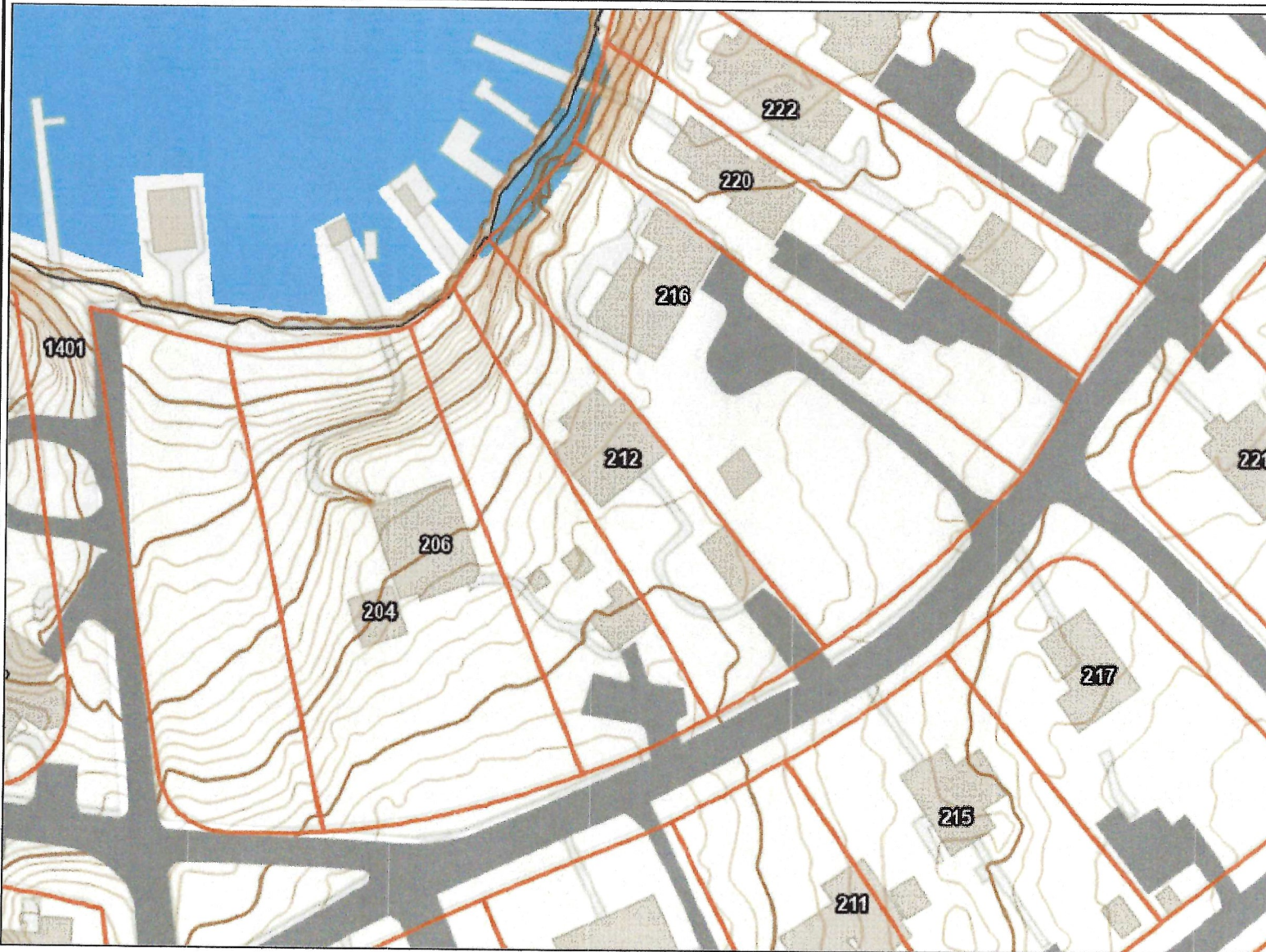
Michael Alesandrini
212 Riverside Road
Edgewater, MD 21037
AAC/1746-0114-9700
Warehouse Creek/South River
1/19/2024

PROPOSED CONSTRUCTION

Remove 10' x 20' section of pier.
Install two boat lift piles for one 10' x 15' boat lift.

Variance requested:
15' for lift pile to the North.
14' for lift pile to the South.

212 Riverside topo map



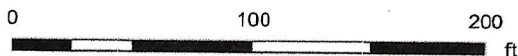
Legend

- Foundation
- Addressing
- Parcels
- Structure
- County Structure
- Elevation
 - Topo 2020
 - Index
 - Intermediate

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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 TomTom, Garmin, SafeGraph,
 GeoTechnologies, Inc, MET/NASA,

Notes 1"=100'



THIS MAP IS NOT TO BE
 USED FOR NAVIGATION

LETTER OF EXPLANATION
AAC Variance Application
OWNER: Michael Alesandrini
212 Riverside Road, Edgewater, MD 21037
1/19/2024

Property Information: Parcell 114, Block 07, Lot 19, Map 56, Subdivision – South River Park.
Zoned R5 Residential District. Waterfront lot located on Warehouse Creek/South River. Chesapeake Bay Critical Area - Intensely Developed Area (IDA).

Existing Conditions: The property boundaries narrow at the waterfront. The property is angled at the waterfront and using the Extension of the Last Course of the Lot Line for extending property lines, the lines converge and move closer together as they extend channelward. Therefore, the entire waterfront area falls inside the AAC 15' setbacks. The existing pier is 6' x 37.5' and 16' x 20' platform. Total length = 57.5' from MHWL. The existing pier and platform fall inside the AAC 15' setbacks. There is a 6' x 16' pavilion that has been in existence more than 20 years.

Proposed Construction: Remove 10' x 20' section of existing pier. Install two boat lift piles for one 10' x 15' boat lift.

Variance Requested: Two boat lift piles: 15' variance for lift pile to the North and 14' variance for lift pile to the South.

Adjacent Property Owners:

David & Kathleen Bernetti – 216 Riverside Road, Edgewater, MD 21037 (North)
Clarence Dawson – 204 Riverside Road, Edgewater, MD 21037 (South)

Justification :

- Due to the narrowing of the property lines at the waterfront, the entire pier sits inside the AAC 15' setbacks.
- The Bernetti's pier and piling angle inside the AAC 15' setback.
- Two piles are needed on the East side of the pier to accommodate a boat lift for a 32 foot chaparral.
- Currently 14 piers in the creek have at least one boat lift.
- Therefore, the homeowner is asking for the minimum necessary to afford relief – two lift piles for one boat lift.
- The homeowner is willing to remove a 10' x 20' platform to make room for the boat lift and piles.
- The existing pier is located 17' away from the Bernetti's pier to the North.
- The proposed lift piles will be located 16' and 20' from the Bernetti's pier.

Critical Area Report: This is residential property. All proposed construction will be channelward of MHWL. Therefore, no land disturbance will occur. Impact on water quality and habitat – N/A. Impervious surface before and after construction will be the same = ~7,520 SF. There are no wildlife habitats of local significance.

2024-0024-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

02/02/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

Following a review of the associated building permit B02423530, it has been determined that the property line extensions on the site plan for this permit are correct and are drawn using Method 2, Method 2 being a direct extension of the last course of the lot line into the water. The decision to approve this method was made based on the current conditions of the shoreline at this location. The shoreline is crowded with piers and associated structures which makes determining a point of cove almost implausible. The critical area section of the Office of Planning and Zoning has no objections to the requested variances as it appears the applicant meets the requirements of Article 18-16-305(a) for zoning variances.

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

Due Date

02/23/2024

Assigned to Department

OPZ Critical Area

Status Date

02/15/2024

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

Task Specific Information

Expiration Date

Review Notes

Reviewer Name

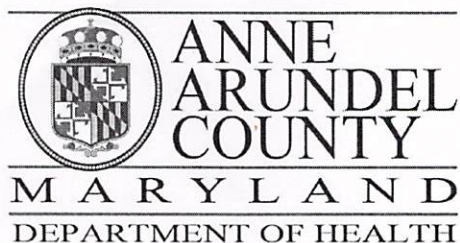
Reviewer Phone Number

Reviewer Email

MELANIE MATHEWS

410-222-7960

PZMATH20@aacounty.org




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

DATE: February 8, 2024

RE: Michael Alesandrini
RKN Marine Permits & S.
212 Riverside Road
Edgewater, MD 21037

NUMBER: 2024-0024-V

SUBJECT: Variance/Special Exception/Rezoning

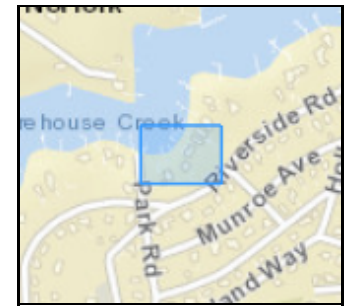
The Health Department has reviewed the above referenced variance to allow pilings with less setbacks than required.

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 the above referenced request.

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

cc: Sterling Seay

2024-0024-V (February 2024 aerial)



Legend

Foundation

Addressing



Parcels



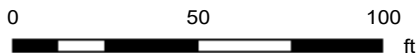
Parcels - Annapolis City



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Nearmap

Notes



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