

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

APPLICANT: James R. Whipple

ASSESSMENT DISTRICT: 1st

CASE NUMBER: 2024-0026-V

COUNCIL DISTRICT: 7th

HEARING DATE: April 18, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to perfect mooring pilings with less setbacks than required at 3500 South River Terrace in the subdivision of Loch Haven Beach, Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 80 feet of road frontage on the west side of South River Terrace, 0 feet north of Riverview Drive and is 23,565 square feet in area and is identified on Tax Map 56, Grid 22, as Lot 1, Block J in Parcel 146. The property has been zoned R5-Residential District since the adoption of the zoning maps for the Seventh Council District effective October 7, 2011.

This is a waterfront lot situated on the east shore of Brewer Creek 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. A pier and pilings are located along the waterfront.

APPLICANT’S PROPOSAL

The applicant seeks to perfect the installation of four mooring pilings along an existing pier.

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 constructed four mooring pilings along the south side of the pier. One piling is located six feet off the property line extended, another piling three feet, and two pilings two feet requiring variances of nine feet, 12 feet and 13 feet respectively.

FINDINGS

The subject property is an irregularly shaped site that exceeds both the lot width and lot area requirements of the Code for a lot in a R5 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. Despite the subject property having frontage on the water totaling some 180 feet, the area available for docking facilities is encumbered by a significant sized shallow area. This shallow area extends along almost all of the available water frontage leaving only a very narrow area close to the south property line for the location of docking facilities. These conditions do create a practical difficulty in complying with the Code requirements for the location of mooring pilings.

While the applicant already does have use of a boatlift along the north side of the pier, the south side of the pier has been used for the docking of boats since at least 1984. This application appears to be replacing unpermitted pilings that have been in place since 2005. Most waterfront properties in the general area have docking facilities on both sides of their piers.

The variances to the extended side lot line setback are intended to accommodate somewhat typical boat lifts of approximately 13 feet and 18 feet in width. The request as submitted is considered to result in the minimum variances necessary to afford relief.

Approval of the variances would not alter the essential character of the area as the proposed facility is typical of the neighborhood. The proposed pilings are located well enough away from existing pilings utilized by the adjacent property to the south and will not hamper navigation to that property. 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.

Agency Comments

The **Development Division** - Critical Area Section advised the property line extensions have been corrected per comments made following a review of the building permit (B02419199) for this proposed project and are now accurate. As a side note, it should be noted that there is a requirement to register the boathouse as a non-conforming use prior to permit approval. The Section had no objection to the variances.

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 to install four mooring pilings as shown on the attached site be *approved*.

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.