

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

APPLICANT: George Ceely

ASSESSMENT DISTRICT: 7

CASE NUMBER: 2024-0029-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: April 23, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicant is requesting variances to allow boatlift pilings (2) and mooring pilings (2) with less setbacks than required on property located at 1366 McDonald Road in Shady Side.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,000 square feet of land, more or less, and is located with approximately 50 feet of frontage on the north side of McDonald Road, northwest of Eastwest Shady Side Road. The property is identified as Lot 10 on Parcel 44, in Grid 4 on Tax Map 69 in the McDonald subdivision. The property has been zoned R1-Residential District since the adoption of comprehensive rezoning for the Seventh Council District October 7, 2011.

This lot is platted to the West River, is within the Chesapeake Bay Critical Area designated as LDA - Limited Development Area, and is mapped within a buffer modification area.

The site is developed with a dwelling and a pier. The property is served by a private well and public sewer.

APPLICANTS' PROPOSAL

The applicant proposes to remove the existing pier and construct a new pier (six feet wide by ninety feet in total length) with a platform (ten feet by twenty feet); and four pilings on the west side, two boatlift pilings and two mooring pilings.

REQUESTED VARIANCES

§ 18-2-404 (b) of the Code requires a pier or mooring piling be set back a minimum of fifteen feet from a lot line extended. The two boatlift pilings will be located nine feet from the property line extension and the two mooring pilings will be seven feet from the property line extension requiring variances of six feet and eight feet, respectively.

FINDINGS

This Office finds that the subject property has approximately 50 feet of frontage at the water's edge. However, the eastern property line extension being drawn parallel to the neighboring pier creates a bit of a convergence of the property line extensions. At the end of the proposed pier there is 47 feet of width between the property line extensions creating a hardship in complying with the Code.

A review of the County aerial photo from 2023 shows piers with at least one slip, with or without a boat lift, are common along this waterfront. The applicant's pier is one of the shortest and does not include any pilings for mooring. The existing T-platform encroaches into the setback on the west side. The proposed mooring pilings appear to be at approximately the same distance as the western edge of the existing platform.

The applicant's letter indicates that they need a boat lift/slip to achieve proper water depth and not affect navigation of adjacent properties.

The **Anne Arundel County Department of Health** has reviewed the well water supply system for the property and has determined that the proposal does not affect the well water supply system therefore they have no objection to the request.

The **Development Division (Critical Area Team)** commented that the requirement of variance approval to the requested setbacks was determined following a review of permit application B02424031. The property line extensions are correct and use a generally parallel method for the East property line extended and a direct extension of the West property line. The proposed pier and platform have been minimized in design. This ultimately reduces the total overall variances required for this project while providing a modest pier, platform, and boat lift. The request for a variance to the setbacks for pilings appears to meet the requirements for zoning variances as outlined in Article 18-16-305. The critical area section of OPZ has no objection to the variance request.

For the granting of a zoning 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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case the location of the neighboring pier and the method of drawing the property line extension creates a narrow waterway for which to place a pier and slips.

Approval of the variances would not alter the essential character of the neighborhood, as the proposed boat lift is typical in size and would be generally comparable to those of other nearby waterfront properties. The variance would not impair the appropriate use or development of the neighboring properties as the property to the east is already developed with a pier and a boat lift and the property to the west has approximately 100 feet of waterfront for development potential. The variances would not be detrimental to the public welfare.

The requested variances for the mooring pilings would allow structure at approximately the same location as the existing T-platform which has been a longstanding structure in this location. The boatlift pilings are creating a reasonable-sized boat lift and the platform has been sited lengthwise along the pier thus minimizing the design. The variance can thereby be considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends ***approval*** of variances of six feet to allow two boatlift pilings located nine feet from the west property line extended; and variances of eight feet to allow two mooring pilings located seven feet from the west property line extended 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.

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date
02/15/2024

Assigned to
Melanie Mathews

Current Status
Complete w/ Comments

Action By
Melanie Mathews

Comments
The requirement of variance approval to the requested setbacks was determined following a review of permit application B02424031. The property line extensions are correct and use a generally parallel method for the East property line extended and a direct extension of the West property line. The proposed pier and platform have been minimized in design. This ultimately reduces the total overall variances required for this project while providing a modest pier, platform, and boat lift. The request for a variance to the setbacks for pilings appears to meet the requirements for zoning variances as outlined in Article 18-16-305. The critical area section of OPZ has no objection to the variance request.

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
03/07/2024

Assigned to Department
OPZ Critical Area

Status Date
02/28/2024

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

Reviewer Phone Number
410-222-6136

Review Notes
PZMATH20@aacounty.org

Reviewer Name
MELANIE MATHEWS



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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 *bc*
Bureau of Environmental Health

DATE: February 21, 2024

RE: George B. Ceely
1366 McDonald Road
Shady Side, MD 20764

NUMBER: 2024-0029-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a boat lift pilings (2) and mooring, pilings (2) 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

2024-0029-V



Legend

Foundation
Addressing

Parcels

Parcels - Annapolis City

Planning

County Planning

Environment

County Environment

Perennial Streams:
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Notes

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