

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

APPLICANT: Maidstone Farm HOA, Inc.

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2022-0092-S

COUNCILMANIC DISTRICT: 5th

HEARING DATE: June 4, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicant is requesting a special exception to allow a modification of a previously approved special exception for a community pier in an RLD – Residential Low Density District on property located on Maidstone Farm Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 2.38 acres of land and is located with 102 feet of frontage on the north side of Maidstone Farm Road, approximately 2,150 feet southwest of Cherry Road. It is identified as “Recreation Area” within Parcel 202 in Block 17 on Tax Map 46 in the Maidstone Farm subdivision. The property is zoned RLD – Residential Low Density District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012.

This waterfront property is located on Brewer Cove, lies within the Chesapeake Bay Critical Area overlay, is designated as RCA – Resource Conservation Area, and is not mapped as buffer modified. It is currently improved with a community pier that was previously approved in 1999.

PROPOSAL

The applicant seeks approval to reconfigure the existing community pier in order to expand two of the five existing boat slips. This proposal would include the removal of two small sections of the pier and three mooring pilings and the addition of three sections of pier. The fifth (northernmost) boat slip would be relocated to the southern side of the pier, shifting the southernmost portion of the reconfigured pier 19 feet to the south.

SPECIAL EXCEPTION STANDARDS

The specific criteria by which a special exception for a community pier may be granted are set forth under § 18-11-141 of the Anne Arundel County Zoning Ordinance. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304.

FINDINGS

The subject property is irregular in shape and far exceeds the minimum lot area and width requirements for the RLD District. A review of the County 2024 aerial photograph shows that

there is only one private residential pier located on the same side of the water in the immediate vicinity of the subject property; however, there are many private residential piers located on the opposite side of the water.

The property was the subject of a previous special exception and variance application, under which the Board of Appeals granted approval to construct the existing community pier (case numbers BA 49-99S, BA 50-99V, BA 55-99S and BA 56-99V (1999-0058-S & 1999-0060-V)). The previous approval authorized a community pier with 5 slips and granted variances to the required parking and to the width of the drive aisle. It also allowed the use of temporary sanitary facilities subject to the approval of the Health Department. This proposal seeks to allow a reconfiguration of the existing pier and would allow the expansion of two of the five slips.

With regard to the specific special exception requirements of § 18-11-142, this Office submits the following findings:

- (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 facility is located on a lot of approximately 2.38 acres that is owned by the Maidstone Farm Homeowners Association Inc.
- (2) *Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.* There are no proposed changes to the existing improvements on land. The Critical Area report prepared by Holly Oak Consulting shows no evidence that the pier and slip reconfiguration would have any adverse effects.
- (3) *Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.* No structures or operations, other than the pier reconfiguration, are currently proposed.
- (4) *Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.* The disturbance will be minimized as the applicant attests that construction will largely be done by barge.
- (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 services are existing or proposed. The applicant attests that sanitary facilities are provided per the original approval, which authorized the use of temporary sanitary facilities if approved by the Health Department. The applicant has provided a copy of a services contract with "gotugo" for a portable restroom.
- (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.* Ladders will be provided as required.
- (7) *United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.* The flotation devices will be provided as required.

- (8) *When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited.* The applicant notes that private piers are prohibited as part of the community covenants, recorded at Liber 6895 Folio 63.
- (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 chart listed in the Code.*

The proposal complies with both (i) and (ii) above. It is a reconfiguration only and does not increase the number of slips (5) approved in the original special exception decision.

- (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 § 18-10-124, 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.*

The proposed improvements are located within the Critical Area; therefore, this provision does not apply.

The **Health Department** recommended approval of the request.

The **Development Division (Critical Area Team)** reviewed the revised site plan submitted under this Special Exception application and determined that the engineer has identified the center line of the channel and the 1/4 distance line as requested. The pier design has been revised to meet the requirements of Article 18-4-404(c) for the maximum allowed pier length for a community pier located in residential zoning. The critical area section of the Office of Planning and Zoning has no objection to the Special Exception request.

The **Long Range Planning Section** commented that the proposed expansion is generally consistent with the goals, policies and strategies of Plan2040 and is consistent with the 2017 Water and Sewer Master Plan.

Concerning the general special exception standards of § 18-16-304, it is the opinion of this Office that the community pier use would not be detrimental to the public health, safety, or welfare and that it would be compatible with the appropriate and orderly development of the RLD District. The operations related to the facility would not be more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the RLD District. The use at the location proposed would not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence to indicate that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The proposed use is generally consistent with the goals, policies, and strategies of the County General Development Plan. Public need for the use has

already been established with the previous special exception approval, and the proposed reconfiguration would not increase the number of slips. The County supported the previous special exception application, but was not in favor of the requested variances. The applicant is not seeking any additional variances with the current proposal, and the reconfiguration would not change the nature or character of the previous approval. If the special exception is approved, the applicant will be required to demonstrate compliance with the requirements of the Landscape Manual.

RECOMMENDATION

Based upon the standards set forth in § 18-16-304 and § 18-11-141 of the Code under which a special exception for a community pier in an RLD – Residential Low Density District may be granted, the Office of Planning and Zoning recommends ***approval*** of the proposed special exception to allow a modification of a previously approved special exception for a community pier in an RLD – Residential Low Density District, as shown on the applicant’s 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.



PATH: C:\Users\kevin\OneDrive\Holly Oak LLC\20-79 MaidstoneFarm HOA\DWG\JPA\Exhibit A-8.9.23.dwg

MDE TRACKING #

MDE PERMIT #

SCALE: 1"=100'
 DATE: 8/9/2023
 DRAWN BY: KCH
 DESIGNED BY: KCH
 CHECKED BY: N/A
 SHEET N/A OF 7

1/4 DISTANCE EXHIBIT

**MAIDSTONE FARM HOA
 COMMUNITY PIER RECONFIGURATION**
 RECREATION AREA
 MAIDSTONE FARM ROAD
 ANNAPOLIS, MD 21409

TM:46 GRD:17 PARCEL:202
 ANNE ARUNDEL COUNTY, MARYLAND



HOLLY OAK CONSULTING, LLC
 303 SYCAMORE RD
 SEVERNA PARK, MD 21146
 TELEPHONE (443) 906-3419
 EMAIL: info@hollyoakconsulting.com

December 7, 2022

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

**Re: Maidstone Farm Community Pier
Maidstone Farm Road
Annapolis, MD 21409
Special Exception Application – Letter of Explanation**

The subject property is the recreation area for the community of Maidstone Farm; it is located in Annapolis, MD, and is owned by the Maidstone Farm Homeowners Association, Inc. The property was created by plat on August 15, 1989, which was recorded among the plat records of Anne Arundel County in Book 122, Page 21. The boundary was subsequently revised by an Administrative Plat, recorded in the plat records at Book 186, Page 17, which is the property's current configuration. The property is improved with a community pier, gravel access road and parking area, and a shed. The property is mostly wooded and enjoys approximately 444 linear feet of water frontage along Brewer Cove. The community pier was approved on May 14, 1999 under cases **1999-0058-S** and **1999-0060-V**. The property is mapped within the RLD zoning district and has a Resource Conservation Area (RCA) land use classification in the Chesapeake Bay Critical Area. The owners propose to expand two of the existing boat slips, thus requiring an amendment to the existing Special Exception.

The following discourse addresses the criteria listed in **Article 18-16-304** of the Anne Arundel County Code for the granting of a Special Exception:

a) Requirements:

- 1) *The use will not be detrimental to the public health, safety, or welfare;*
The proposed expansion will have no impact the public health, safety, or welfare, as this is an expansion of an existing use that has been in continuous use for over twenty years.
- 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 location and size of the slip expansions are compatible with all setbacks to property lines and are harmonious with other piers in the cove.
- 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 operation of boat traffic to and from the pier shall be no greater with regard to noise, fumes, vibration or light, than what has been generated for the past twenty years of using the community pier, as no additional slips are proposed.
- 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;*
No intensification of the existing use is proposed; therefore, the continued use of the community pier will not have any adverse effect above & beyond those inherently associated with a community pier servicing a private homeowner's association.

- 5) *The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;*
The expansion of the existing community pier will not deleteriously affect any public facility, public service, school or road, as none of these facilities are found near the existing community property. No additional slips are proposed; therefore, the expansion of the two slips will not generate any additional traffic on Maidstone Farm Road, a private right-of-way.
- 6) *The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;*
There are no private water or sewer facilities proposed. The Office of Planning & Zoning will generate recommendations as part of this submittal. Comments rendered during the pre-file have been addressed.
- 7) *The proposed use is consistent with the County General Development Plan;*
The expansion of two of the five existing boat slips is consistent with the GDP, as no additional slips are proposed.
- 8) *The applicant has presented sufficient evidence of public need for the use;*
As stated in the decision for the original approval of the pier, the test of need is satisfied by the pier serving the subdivision. This holds true for the request to expand two of the five slips.
- 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 criteria found in **18-11-142** are addressed below.
- 10) *The application will conform to the critical area criteria for sites located in the critical area; and*
The application for this water dependent facility adheres to all Chesapeake Bay Critical Area, as well as MDE and Army Corps of Engineers design criteria. No variances of any kind are requested.
- 11) *The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.*
No improvements are proposed landward of mean high water. All improvements, other than the two slips proposed for expansion, shall remain as previously approved.

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 subject property is 103,643sf in area, and is owned by the Maidstone farm Homeowners Association, Inc.
- (2) *Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.*
The enlargement of the two boat slips will not have adverse effects upon the fish, plant, and wildlife habitat. Please see the Critical Area Report from Holly Oak Consulting, the applicant's Environmental Consultant.
- (3) *Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.*
No structures or improvements, beyond the enlargement of the two slips are proposed.
- (4) *Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.*
Disturbance to the buffer shall be minimized, as construction shall largely be done by barge.
- (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 services are existing or proposed. Sanitary services are provided per the original order.
- (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.

Ladders are provided as required, and locations are shown on the plans.

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

USCG approved PFDs are provided, and locations are shown on the plans.

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

Private piers are prohibited as part of the community covenants, recorded at L6895-F63.

- (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

No new slips are proposed. The existing number of slips is in conformance with the chart to coincide with the number of lots in the subdivision.

- 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 § 18-10-138, 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.*

No use is being established, rather an existing use is being modified. No rights are being established or transferred.

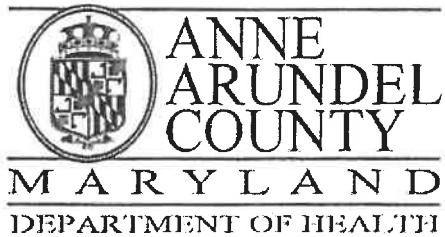
Please contact me if you have any questions regarding this submittal at 410-266-5599 or bbower@cpja.com.

Sincerely,

CHARLES P. JOHNSON & ASSOCIATES, INC.



William Bower, P.E., P.L.S.
Division Manager, Annapolis Office





J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
Maryland Relay (TTY): 711
www.aahealth.org

Nilesh Kalyanaraman, MD, FACP
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

THROUGH: Don Curtian, Director 
Bureau of Environmental Health

DATE: June 3, 2022

RE: Mainstone Farm Hones Owners Assoc. Inc.
2045 Maidstone Farm Road
Annapolis, MD 21409

CASE
NUMBER: 2022-0092-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow a special exception for an expansion of a previously approved community pier in an RLD district.

The Anne Arundel County Department of Health recommends approval of the above referenced special exception.

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

cc: Sterline Seay

2022-0092-S

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
05/07/2024
Assigned to
Melanie Mathews
Action By
Melanie Mathews
End Time

Assigned Date
04/30/2024
Status
Complete w/ Comments
Status Date
05/02/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
Following a review of the revised site plan submitted under this Special Exception application, it has been determined that the engineer has identified the center line of the channel and the 1/4 distance as requested. The pier design has been revised to meet the requirements of Article 18-4-404(c) for the maximum allowed pier length for a community pier located in residential zoning. The critical area section of the Office of Planning and Zoning has no objection to the Special Exception request.

Time Tracking Start Date
Display E-mail Address in ACA
No

Est. Completion Date
 Display Comment in ACA

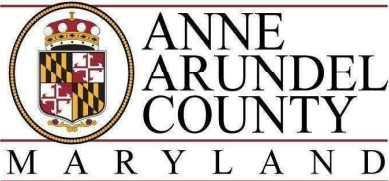
In Possession Time (hrs)
Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar



Office of Planning and Zoning

Steve Kaiti-Ziegler, AICP
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Eric Ketterling, Senior Planner, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: June 23, 2022

Name of Project: Maidstone Farm
Location: Maidstone Farm Road, Annapolis
Tax Map 46, Grid 17, Parcel 202
Region Planning Area: 4
Community: Broadneck

Summary:

The applicant has requested an expansion of a previously approved community pier.

The property is located in the Broadneck community and is designated as Peninsula on the Plan2040 Development Policy Area Map. The site has a land use designation of Rural on the Plan2040 Planned Land Use Map and is zoned RLD. The site is not within the County's Priority Funding Area or the Greenway network.

Water is located to the west, while properties to the north, south, and east are zoned RLD with a Planned Land Use of Rural.

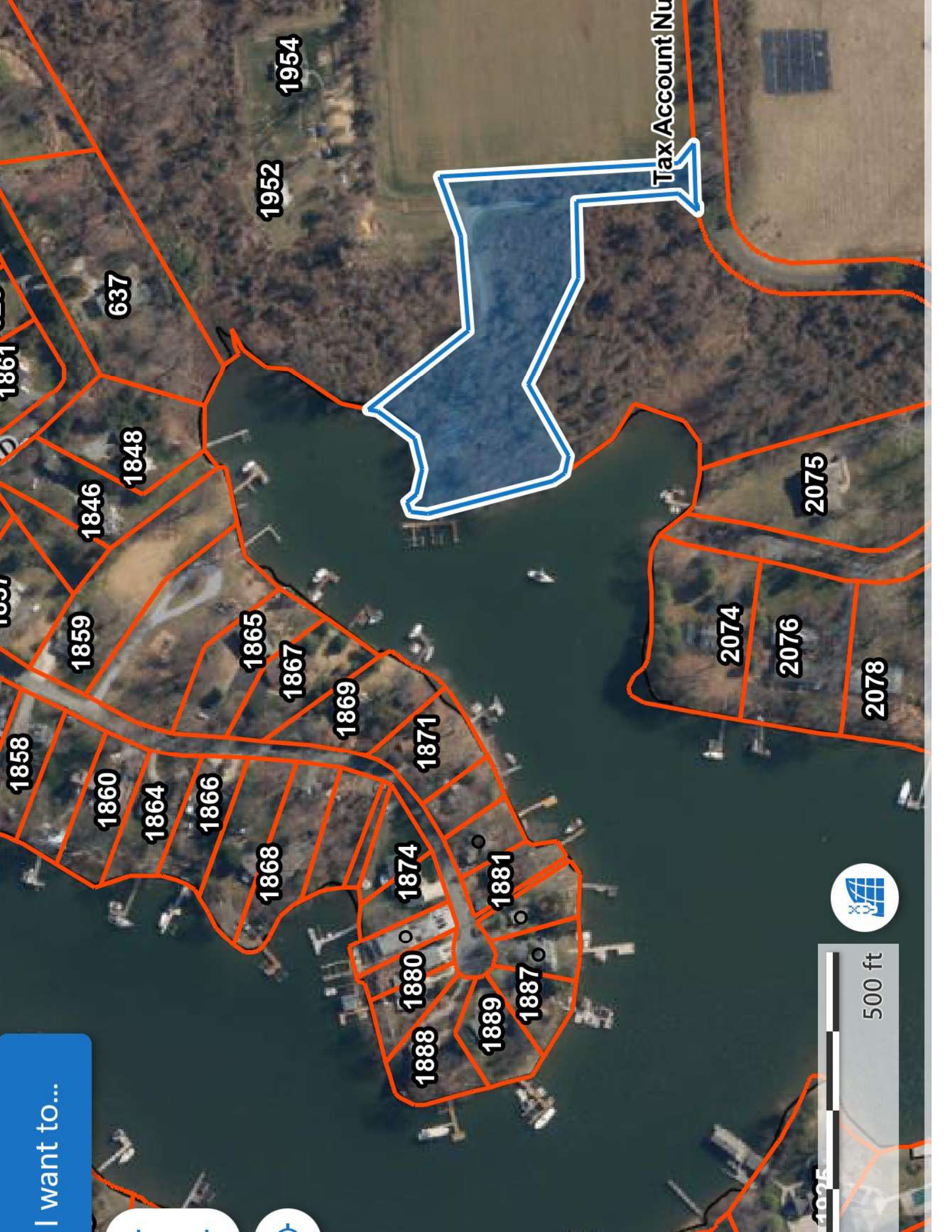
Findings:

Compliance with Plans:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site. The proposed expansion is generally consistent with the goals, policies and strategies of Plan2040. This proposal is within Region Planning Area 4. The Region Plan process for Region 4 is currently underway. The Region Plan is anticipated to be adopted in the fall of 2023.

2017 Water and Sewer Master Plan: The site is in the No Public Sewer Service category in the Broadneck Sewer Service Area and the No Public Water Service category in the Broadneck 220 Water Pressure Zone. The proposal is consistent with the 2017 Water and Sewer Master Plan.

I want to...



Tax Account Nu

500 ft

