

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

APPLICANT: Kristie Conway et. al.

ASSESSMENT DISTRICT: 1st

CASE NUMBER: 2024-0028-V

COUNCIL DISTRICT: 7th

HEARING DATE: June 6, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow a private pier and pilings on a lot without a principal structure and with less setbacks than required at 1030 Wiers Road, Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 30 feet of road frontage on the northeast side of Wiers Road, 770 feet east of Central Avenue East. The property is 4,486 square feet in size and is identified on Tax Map 60, Grid 17 as Parcel 225. The property has been zoned R2-Residential District since the adoption of the zoning maps for the Seventh Council District effective October 7, 2011.

This is a waterfront lot located on Ramsay Lake in the Chesapeake Bay Critical Area and is classified as “LDA-Limited Development Area”. The shoreline of the property is buffer modified.

The subject property is developed with a four foot wide by 100-foot long pier with three pilings on the east side of the pier and three pilings on the west side of the pier along with a boatlift. There is no principal structure (e.g. single family dwelling) other than a small shed located on the subject property.

APPLICANT’S PROPOSAL

The applicants are proposing to remove the existing four foot wide by 105-foot long pier and boat lift and install a new four foot wide by 105-foot long pier. All three mooring pilings on the west side of the pier are to be removed and two new mooring pilings for a boat lift installed. The two new pilings are proposed to be in different locations than the existing pilings.

REQUESTED VARIANCES

Section 18-4-106 of the Anne Arundel County Code permits a private residential pier in an R2-Residential District if it is accessory to a dwelling unit. Section 18-2-204 (c) of the Anne Arundel County Zoning Ordinance states an accessory structure or use may not be located on a lot other than the lot on which a principal structure (i.e., use) is located. There is no dwelling on the subject property; rather, the proposed pier on the subject lands will be accessory to a principal structure or

use that is not located on the subject lands. A variance is required to allow a pier where the principal use is not located on the subject property.

Section 18-2-404. (b) of the Code states that a pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier whereas the proposed pier will be located 13 feet from the west extended lot line necessitating a variance of two feet. The proposed two pilings will be located one-foot from the west extended lot line requiring a variance of 14 feet.¹

FINDINGS

Variance for a private pier and pilings on a lot without a principal structure

The subject property does appear to be a buildable lot for residential purposes but at only 4,250 square feet in area and 27 feet in width, it does not meet the minimum lot area requirement of 15,000 square feet for a lot with public sewer in a R2 District. These substandard lot conditions do make development of the subject property for a single family detached dwelling difficult.

A pier on the subject property is clearly shown on aerial photos since at least 1995. The applicant does own property in the immediate neighborhood at 1017 Wiers Road, a non-waterfront lot. These lands are located approximately 170 feet to the west of the subject property and are developed with a single family detached dwelling. According to the applicant, the subject property has been in the same family for generations.

The above conditions do constitute an exceptional circumstance where denial of the variance would cause hardship in the use of these lands. The request is the minimum necessary to afford relief, approval of the variance will not alter the essential character of the neighborhood nor impair the use of any adjacent property, reduce forest cover or be contrary to acceptable clearing in the Limited Development Area in the Critical Area nor be detrimental to the public welfare.

Variance for a pier and pilings with less setbacks than required

This Office finds that the subject property has approximately 27 feet of frontage at the water's edge. Typically, docking and mooring facilities require 46 to 48 feet of frontage on the water to provide for a six-foot wide pier and a 10 to 12-foot wide boat lift set back 15 feet from the extended side property lines. These existing lot conditions do create a practical difficulty in complying with the locational requirements of the Code for a pier and mooring pilings.

While the applicant already does have the use of a boatlift along the east side of the pier, both sides of the pier have been used for the docking of boats since at least 1995. This application simply proposes to reestablish an existing pier and relocate two existing pilings that have been in place for some time. Finally, many of the waterfront properties along this section of shoreline have docking facilities on both sides of their piers.

The variances related to the pier and the lot line extended setbacks are considered to result in the minimum variances necessary to afford relief. The proposed pier has been reduced to four feet in

¹ A portion of the subject pier was extended without permit sometime between 2002 and 2005 without the benefit of a permit and therefore does not qualify for a replacement in kind.

width to minimize the variance which is less than the typical six feet normally afforded to a pier and the 12-foot boat lift is typical in size.

Approval of the variances will not alter the essential character of the area as the proposed facility is representative of the neighborhood. The proposed development does not constitute a significant change from the configuration of existing facilities and as such should not result in any change in navigation to adjacent properties. 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.

The **Development Division (Critical Area Team)** advised that upon review of the building permit application (B02423994), the existing pier does not meet the requirements of Article 18-2-204(c)(3) governing accessory structures. Additionally, a portion of the pier has been extended sometime between 2002 and 2005 without the benefit of a permit and therefore does not qualify for a replacement in kind. The proposed work requires a variance to the requirements of Article 18-2-204(c)(3) and Article 18-2-404 governing setbacks for residential piers associated with the pier extension and associated pilings.

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

RECOMMENDATIONS

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 that the request to allow a private pier and pilings on a lot without a principal structure and with less setbacks than required at 1030 Wiers Road as shown on the attached site plan be ***approved*** subject to the condition that the pier is to be only for the private use of the occupants of 1017 Wiers Road and their guests.

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.