

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

APPLICANT: Bryan L. Jenkins

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0065-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: July 23, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting variances to allow a pier platform and mooring (2) with less setbacks than required on property located at 1642 Cornfield Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 20,200 square feet of land, more or less, and is located with frontage on the northeast side of Cornfield Road, northwest of Magothy Road. The property is identified as Lots 36-39 and part of lots 33-35 on Parcel 259, in Grid 17 on Tax Map 25 in the Long Point on the Magothy subdivision. The property has been zoned R2-Residential District since the adoption of comprehensive rezoning for the Third Council District January 29, 2012.

This is a waterfront property on Cornfield Creek, is within the Chesapeake Bay Critical Area designated as IDA - Intensely Developed Area, and is mapped within a buffer modification area.

The site is developed with a dwelling and a pier and a portion of the property across a 15' private lane is a garage. The property is served by a private well and septic system.

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), two boat lift pilings on the north side, and two pilings on the south side.

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 to the south will be located 5.5 feet and 4.5 feet from the property line extension, and the platform will be as close as 2.5 feet the property line extension requiring variances of 10 feet, 11 feet and 13 feet, respectively. The two boat lift pilings on the north side meet the setback requirement and do not require a variance.

FINDINGS

This Office finds that the subject property has approximately 90 feet of frontage at the water's edge. However, the eastern property line extension being drawn to accommodate the existing pilings of the neighboring pier creates a convergence of the property line extensions.

A review of the County aerial photo from 2024 shows piers with at least one slip, with or without a boat lift, are common along the extended waterfront of Cornfield Creek. This Office did not conduct a review of nearby piers to determine if they meet setbacks.

While each case must stand on its own merits, this Office found several cases along Cornfield Creek that were both granted a variance to setbacks for a pier and pilings

The applicant's letter indicates that several surrounding properties have existing piers, boat lifts, and platforms and that the proposed platform will be 16.75' from the pier to the south. The applicant writes that proposal has support from both adjacent neighbors and this Office notes that letters have been submitted. The letter does not give any justification for the need for a platform or a second slip within the setback.

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

The **Development Division (Critical Area Team)** commented that it is determined that the property line extensions are drawn correctly for this property. The proposed variance request appears to meet the requirements of a Zoning variance per Article 18-16-305(a) and (c). The critical area section of the Office of Planning and Zoning has no objection to the requested variances. It should be noted that for this property, according to Deed 32869 page 495 and Plat 4 of Long Point, a Pier Construction Agreement will be required as it is a non-riparian waterfront property. The requirement of a PCA will be addressed at the time of permitting.

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 this lot is located on a concave area of the shoreline and the method of drawing the property line extensions creates a convergence from the shoreline into the water, however, there is room within the buildable area to locate a pier with a boat slip and a platform.

Typically, a lot with at least 50 feet of water frontage can accommodate a six foot wide pier, a platform, and boat lift or mooring pilings within the required 15 foot setbacks. This lot has approximately 90 feet of shoreline, however, the shoreline is concave and the method of drawing the property line extensions creates a convergence from the shoreline into the water restricting

the buildable water area. Construction of a pier with a platform and two slips would be impossible without variance relief. Not all waterfront properties can accommodate every owner's desired pier configuration. There are certain innate limitations of a property with limited water area that should be expected by any purchaser, and the proposed second slip is considered to be excessive for this particular location.

Approval of the variances would not alter the essential character of the shoreline in general, as there are several properties with platforms and slips. The distance between the proposed platform and the neighboring pier to the south is 16.75 feet. This distance could impede that neighboring property's use of their pier. The variance would not impair the appropriate development of the neighboring properties as the property to the south is already developed with a pier and a slip that is utilized from the southeast side of that pier. The proposal will not impair the appropriate use or development of the property to the north as the proposal meets the setback requirement and the northern property is also already developed with a pier. The variances would not be detrimental to the public welfare.

While there are practical limitations caused by the converging lot line extensions, it appears that the variance for the platform could be eliminated by locating the platform on the north side landward of the proposed lift pilings. Although the application has the approval of the two adjacent properties the proposed boat slip is considered to be superfluous for this location. As such the variance cannot be supported as proposed.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends **denial** of zoning variances to § 18-2-404(b).

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.

2024-0065-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

05/09/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

Following a review of the submitted variance site plan, it is determined that the property line extensions are drawn correctly for this property. The proposed variance request appears to meet the requirements of a Zoning variance per Article 18-16-305(a) and (c). The critical area section of the Office of Planning and Zoning has no objection to the requested variances. It should be noted that for this property, according to Deed 32869 page 495 and Plat 4 of Long Point, a Pier Construction Agreement will be required as it is a non-riparian waterfront property. The requirement of a PCA will be addressed at the time of permitting.

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

05/09/2024

Assigned to Department

OPZ Critical Area

Status Date

05/14/2024

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

PLAT 4 LONG POINT RQRS PCA; DEED 32869/495

Reviewer Name

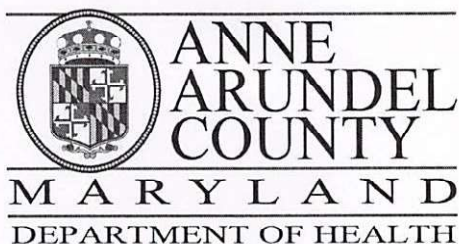
MELANIE MATHEWS

Reviewer Phone Number

410-222-6136

Reviewer Email

PZMATH20@aacounty.org



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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
Sanitary Engineering Program

A handwritten signature in blue ink, appearing to be "BC", located next to the "FROM" field.

DATE: April 29, 2024

CASE
NUMBER: 2024-0065-V
Bryan L. Jenkins
1642 Cornfield
Pasadena, MD 21122

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier platform and mooring pilings with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the on-site sewage disposal system and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

1642 Cornfield Rd



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



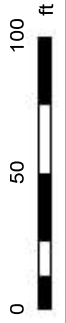
Planning

County Planning



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none



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes