

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

APPLICANT: Scott Del Monte

ASSESSMENT DISTRICT: 7

CASE NUMBER: 2024-0122-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: September 5, 2024

PREPARED BY: Joan A. Jenkins 
Planner III

REQUEST

The applicant is requesting variances to allow a pier platform and kayak launch with less setbacks than required and a use variance to allow a private residential pier in an MB District on property located at 6076 Drum Point Road in Deale.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,583 square feet of land, more or less, and is located with approximately 45 feet of frontage on the west side of Drum Point Road, south of Whittington Place. The property is identified as Parcel 253 in Grid 12 on Tax Map 77. The property has been zoned MB - Maritime District since the adoption of comprehensive zoning for the Seventh Council District October 7, 2011.

This lot is platted to the shore of Rockhold 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 residentially with a dwelling, several accessory structures, a pier with a boatlift and three associated mooring pilings, and kayak launch next to the pier. The property is served by a private well and public sewer.

APPLICANTS' PROPOSAL

The applicant proposes to replace the farthest existing piling on the northern side and integrate it into a platform (10 feet by 14 feet) at the end of an existing 5-foot wide private residential pier that is located on a lot in the MB District. In addition, the applicant has placed a kayak launch (16 feet long by 10 feet wide) on the south side of the pier.

REQUESTED VARIANCES

§ 18-7-107 of the Anne Arundel County Zoning Ordinance lists the permitted, conditional and special exception uses allowed in the maritime zoning districts. Private residential piers are not among the permitted uses in an MB – General Commercial Marina District; therefore, a

residential pier and associated pilings are not permitted. As such, a use variance is required for the proposed improvements to the residential pier.

§ 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 for a private pier. The platform will be located six feet from the northern property line extension requiring a variance of nine feet. The kayak launch is located 10 feet from the southern property line extension requiring a variance of 5 feet.

FINDINGS

The subject property is much smaller than the required size of lots in the MB district, measuring approximately 9,583 square feet versus the required one acre above the mean high water line. It is also much narrower at the waterfront than required of lots in the MB district, measuring approximately 45 feet for this lot versus the required 150 feet at the shoreline. The subject property is surrounded by other MB-zoned lots, some of which also contain nonconforming single-family detached dwellings and private residential piers. The shoreline in the immediate vicinity is heavily developed by piers with multiple slips. Pilings on the north side and a boat in the slip can be seen on aerial photos of this property as far back as 1977. The proposed platform will utilize one of the longstanding existing mooring pilings and would be constructed within the existing slip space.

A private residential pier is not a permitted use in the MB district. Therefore, a use variance is required to make any changes to the existing pier. In residential districts, private piers are required to be accessory to a single-family dwelling, as this one will be.

The applicant's letter indicates that they need a platform to increase safety and accessibility to their boat. Through email correspondence it was clear that the applicants were unaware that a permit or a variance would be required for the kayak platform and therefore have not given a reason why it is necessary.

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 property owner has worked with OPZ critical area to establish the correct property line extensions. The variance request meets all the requirements for a Zoning variance as provided in Article 18-16-305(a)(c). The critical area section of the Office of Planning and Zoning has no object to the required variance.¹

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

¹ These comments were made prior to this Office noting that the kayak launch also required a variance.

or an unnecessary hardship in the development of the lot.

A use variance is subject to a greater burden of proof than more typical variances, such as a variance to setback or height requirements. In order to approve a use variance, three criteria must be met: (1) the applicants must be unable to secure a reasonable return or make any reasonable use of their property, (2) the difficulties or hardships are peculiar to the subject property in contrast to other properties in the zoning district, and (3) the hardship is not the result of the applicants' own actions.

Both commercial and residential waterfront properties typically take advantage of their water access and their water areas via piers and pilings. The applicants have an existing nonconforming dwelling and use of an existing private residential pier so development of a commercial pier is not an option that is appropriate. Therefore, a denial of this use variance for a private residential pier would prohibit the applicants' reasonable use of the property. The hardship is peculiar to this property in that it contains a nonconforming residential dwelling use in contrast to other waterfront properties in the MB district. And the hardship in this case is not self-created.

In this particular case the water area is narrow, the lot is smaller than required for a lot in the MB district, and the lot is already developed with a residential dwelling. The shoreline in this area is already crowded but the applicants would be using the same water area that has been used for decades for the mooring of a boat to create a platform to increase their safety and accessibility in order to continue to use their boat.

Approval of the variances for the pier platform or the kayak launch would not necessarily alter the essential character of the neighborhood, as the proposed platform is typical in size for a residential pier and there are a couple of kayak launches that can be seen on the 2024 aerial photo at 6114 and 6120 Drum Point Road. This Office did not conduct a review as to whether variances were required or permits issued for these improvements. The variances would not impair the appropriate use or development of the neighboring properties as the property to the north is already developed with a pier and a boat lift and the property to the south is already improved with a pier, a 75-foot long boathouse and mooring pilings on the south side of that pier. The variances would not be detrimental to the public welfare.

The use variance is the minimum necessary to afford relief from the Code due to the zoning of the property and the longstanding existing residential use. The use of the water area for a new platform within an area that has been a longstanding mooring slip will increase the safety and accessibility for the applicants therefore, this request for the platform is considered to be the minimum necessary to afford relief from the Code. The variance for the kayak launch, however, appears to be unwarranted and cannot be considered to be the minimum necessary to afford relief.

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 *approval* of a variance of nine feet to

allow the the 10 foot by 14 foot platform at the end of the pier six feet from the north property line extension and **approval** of a use variance to § 18-7-107 to allow a private residential pier in an MB District as shown on the site plan submitted. Additionally, this office recommends **denial** of the zoning variance to § 18-2-404(b) for the kayak launch.

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.

June 18, 2024

Letter of Explanation

To Whom It May Concern,

I am writing to request permission for the construction of a platform adjacent to our dock, located within the existing piling that is already within the setback. The platform will be 14' x 10' and will be located 6' from the property line extension.

FYI; The existing piling is located 14' off our dock and 6' from the property line extension.

My wife, aged 70, recently underwent major back surgery, specifically L 2,3,4,5 to pelvis fusion and ACDF anterior cervical discectomy & fusion. As elderly individuals, gaining access to our boat currently poses significant challenges and risks due to these recent medical procedures.

The addition of a platform would greatly improve safety and accessibility for us. It would allow us to pull the boat alongside the platform, facilitating a much safer entry and exit. This modification is essential for ensuring that we can continue to enjoy our boat safely and independently.

We assure you that the construction will be conducted in accordance with all relevant regulations and will not encroach beyond the existing piling or setback area.

Thank you for considering our request. Please do not hesitate to contact us if you require any further information or clarification regarding our proposal.

Sincerely,

Scott & Linda Del Monte
6076 Drum Point Road
Deale, MD 20751
571-283-8447
sdm1@comcast.net

From: Scott Del Monte sdm1@comcast.net
 Subject: Revised Platform Drawing
 Date: Aug 25, 2024 at 6:07:05 PM
 To: Scott & Linda Del Monte sdm1@comcast.net

Applicant;

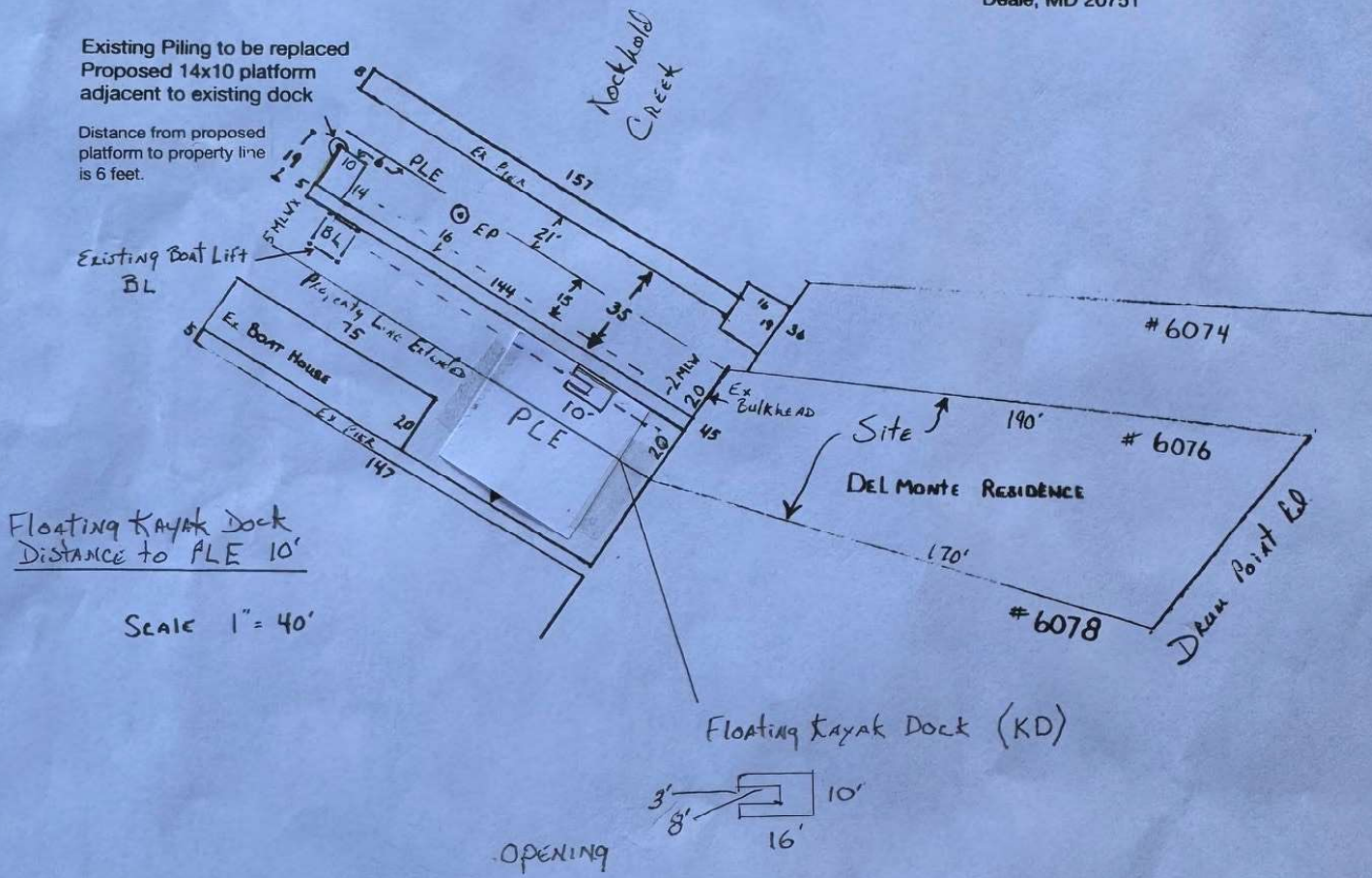
Scott & Linda Del Monte Residence
 6076 Drum Point Road
 Deale, MD 20751

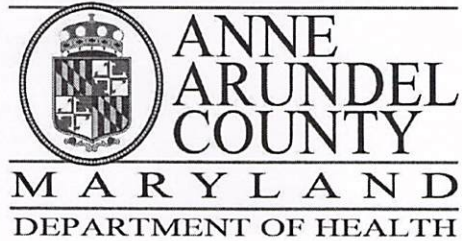
571-283-8447
 sdm1@comcast.net

Adjoining Property Owners;

William T Stecher
 6074 Drum Point Road
 Deale, MD 20751

Jeffery & Nora Derrick
 6078 Drum Point Road
 Deale, MD 20751






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
Bureau of Environmental Health 

DATE: July 1, 2024

RE: Anthony Scott Monte Del
6076 Drum Point Road
Deale, MD 20751

NUMBER: 2024-0122-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier and pilings 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 systems. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay

2024-0122-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date
07/01/2024

Assigned to
Melanie Mathews

Current Status
Complete w/ Comments

Action By
Melanie Mathews

Comments
The property owner has worked with OPZ critical area to establish the correct property line extensions. The variance request meets all the requirements for a Zoning variance as provided in Article 18-16-305(a)(c). The critical area section of the Office of Planning and Zoning has no object to the required variance.

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
07/16/2024

Assigned to Department
OPZ Critical Area

Status Date
07/02/2024

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

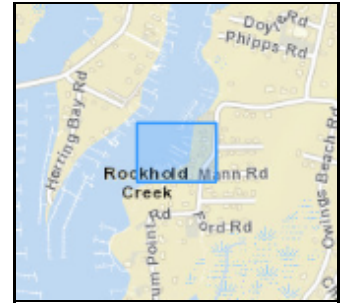
Review Notes

Reviewer Name

Reviewer Phone Number
410-222-6136

Reviewer Email
PZMATH20@aacounty.org

MELANIE MATHEWS



Legend

Foundation

Addressing

-
-

Parcels

- ▭ (orange outline)

Parcels - Annapolis City

- ▭ (purple outline)

Planning

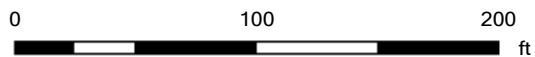
County Planning

- ▭ (pink fill)
- ▭ (green fill with diagonal lines)
- ▭ (hatched pattern)
- ▭ (diagonal lines)
- ▭ (purple outline)
- ▭ (black outline)

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none

Notes



THIS MAP IS NOT TO BE USED FOR NAVIGATION