

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

**APPLICANT:** Matt Arnold

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0149-V

**COUNCILMANIC DISTRICT:** 5

**HEARING DATE:** October 24, 2024

**PREPARED BY:** Joan A. Jenkins   
Planner III

**REQUEST**

The applicant is requesting a variance to allow boatlift pilings (4) with less setbacks than required and with greater length than allowed on property located at 1848 Leslie Road in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 26,571 square feet of land, more or less, and is located with approximately 143 feet of frontage on the southwest side of Leslie Road, at the southwest juncture of Truxton Road. The property is identified as Lot E of Parcel 116, in Grid 17 on Tax Map 46 in the Beechwood on the Burley subdivision. The property zoned R2-Residential District. This lot is platted to Brewer Cove, is within the Chesapeake Bay Critical Area designated as primarily LDA - Limited Development Area with some RCA - Resource Conservation Area near the shoreline, and is not mapped within a buffer modification area. The site is developed with a dwelling, a driveway, associated features, and the subject pier. The property is served by a private well and septic.

**APPLICANTS' PROPOSAL**

The applicant proposes to emplace four boat lift pilings on the east side of a joint use pier, two attached to the pier and two detached, to create a 13' by 12' slip area for a boat lift.

**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 proposed detached boat lift pilings will be located 3 feet and 10 feet from the southern property line extended, requiring variances of 12 feet and 5 feet to the 15-foot required setback. One of the pilings attached to the pier will be 13 feet from the southern property line requiring a variance of 2 feet.

§ 18-2-404 (c) of the Code requires a pier or mooring piling may not extend into the water any further than one-half the distance from the mean high-water line to the center point of a cove.

The distance from the shoreline to the point of cove has been determined to be 116 feet, half of that distance being 58 feet. The pilings will be 37 feet, 43 feet, 49 feet and 53 feet from the point of cove requiring variances of 21, 15, 9, and 5 feet, respectively.

## **FINDINGS**

This Office finds that the subject property has a joint pier agreement, recorded under Liber 3753 Folio 773, with the neighboring property at 1846 Leslie Road. Each of these properties share the 85.32 feet of shoreline by equal amounts of 42.66 feet.<sup>1</sup> The total of these two properties provide approximately 66 feet of frontage at the water's edge. The applicant enjoys the use of the northeastern side of the pier. The agreement notes that a variance was approved under case V-298-83 for the construction of the pier. Note #5 in the agreement gives rights to joint use of the entire deck area of the pier and that each shall be able to erect tie piles to their individual side of the pier. In this case, the proposed pilings are on the east side designated for #1848. The west side, designated for #1846, currently has a boat lift including two pilings and a mooring slip created from two additional pilings. This Office has on file a letter in support of the proposal from Michael and Grier Smokovich, owners of 1846 Leslie Road and joint owners of the pier.

A review of the County aerial photo from 2024 shows piers are common along this shoreline. Many, if not most, of the piers have multiple slips with or without a boat lift.

The applicant's letter indicates that the additional pilings will allow a boat lift/slip with adequate water depth.

The **Anne Arundel County Department of Health** has reviewed the onsite sewage disposal and 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 line extensions have been reviewed under building permit B02429361 and are determined to be correctly drawn using the point-of-cove method. The critical area section of Planning and Zoning has no objection to the requested variance.

Approval of the variances would not alter the essential character of the neighborhood nor impair the use of the neighboring properties. The adjacent property to the east is already developed with a pier. The variances would not be detrimental to the public welfare.

It is reasonable for each of the owners of a joint use pier to have the same access. The requested variance for the piling creates a typical slip area for a boat lift and is considered to be the minimum necessary to afford relief.

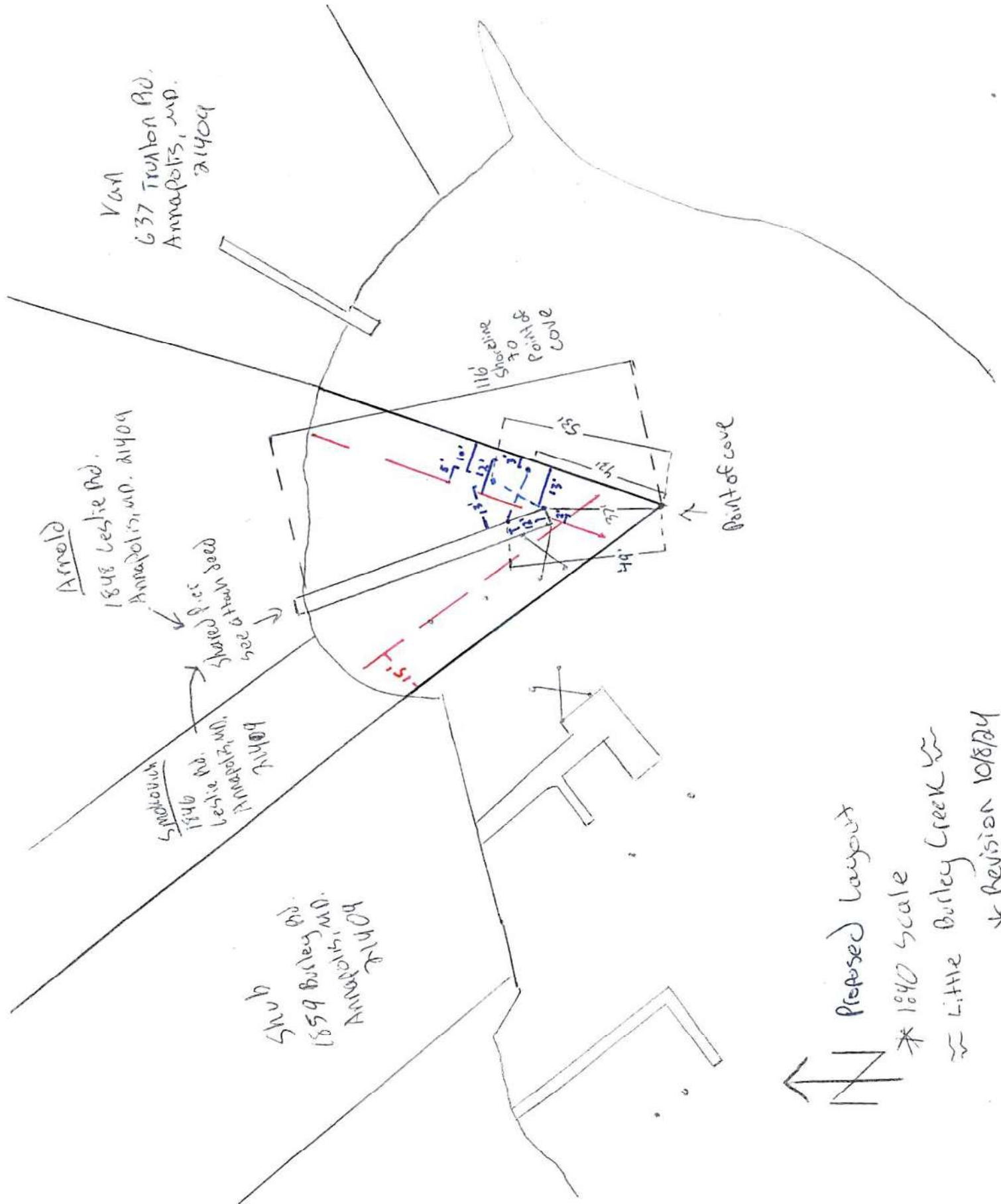
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<sup>1</sup> The site plan is drawn as shown at the time on the County Geocortex mapping system and not correctly as shown on the plat. The building permit site plan should show the correct lot lines. The Geocortex mapping system was updated October 14, 2024.

**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 12 feet, 5 feet, and 2 feet to the 15-foot required setback and variances of 21 feet, 15 feet, 9 feet, and 5 feet for the required length to allow boat lift pilings on the northeast side of the joint use pier located 3 feet, 10 feet and 13 feet from the property line extended and 37 feet, 43 feet, 49 feet, and 53 feet from the point of cove, 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.



Arnold  
1848 Leslie Rd.  
Annapolis, MD. 21404

Van  
637 Truitt Rd.  
Annapolis, MD.  
21404

Sandtown  
1846 Leslie Rd.  
Annapolis, MD.  
21404

Shirley & Sons  
602224

Shirley & Sons  
1859 Burley Rd.  
Annapolis, MD.  
21404

116 Shore Road  
Cove Point &  
705

Point of Cove

Proposed layout  
 \* 1/4" scale  
 ~ Little Burley Creek  
 \* Revision 10/8/84

## **Letter of Explanation**

1848 Leslie Rd. Annapolis, MD. 21409

Arnold Residence

### **Project Description**

We are requesting approval for the installation of 4 boat lift pole with less setbacks than required and greater length than allowed. Install a 13'w x 12'l boat lift with poles in the eastern setback of, 2,5, and 12 feet into the eastern setback or 13,10, and 3 feet off the eastern extended property line. The 4 boat lift pilings also require a variance for being over the ½ distance to the point of cove, we are requesting approval for the placement of boat lift poles of 37', 43', 49', and 53' from the point of cove. All work a max of 68 feet channel ward of the mean high-water line.

### **Hardship**

The pier where the proposed work is shown on the attached site plan is a shared pier between 1848 Leslie Rd. & 1846 Leslie Rd. shown on the attached agreement, labeled Declaration of Joint Use and Ownership of Pier found in the county records, Book 3753 Page- 770-774. The eastern side of the pier belongs to the Arnold residence and the western side of the pier belongs to the Smokovich residence. The extended property lines have been drawn with the point of cove method as required by Anne Arundel County. Due to the angle of the extended property lines, the Arnold's only option to accommodate a boat lift/slip with the adequate water depth is by requesting this variance. Additionally, the boat lift pilings have to be placed past the ½ distance to the center of the cove to achieve the water depth to accommodate a boat lift, the lift on the western side of the pier belonging to the Smokovich's is proof of the need to place the poles past the ½ distance to achieve a proper water depth for the boat lift. Due to these hardships, it would be impossible to propose a design for a boat lift/slip that would not involve a variance. We believe this design is the least impactful to afford relief and the Smokovich residence has no objection to the work. The approval of this application does not change the characteristics of the community as numerous adjacent property owners have boat lifts or slips to moor their boats.

Please contact the number or email below with any information or questions.

Best,

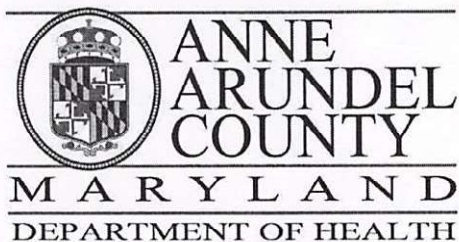
Tim Glaser – 240-695-4930

[tim@magnumlift.com](mailto:tim@magnumlift.com)

Boat Lifts Unlimited Inc.

1901 Betson Ct.

Odenton, MD. 21113




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: August 15, 2024

RE: Arnold Matthew Jerome  
1848 Leslie Road  
Annapolis, MD 21409

NUMBER: 2024-0149-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a piling (one boat lift) with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal 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 410-222-7413.

cc: Sterling Seay

----- Forwarded message -----

From: <[mikesmokovich@verizon.net](mailto:mikesmokovich@verizon.net)>  
Date: Sat, Sep 14, 2024 at 6:37 PM  
Subject: Notice of Hearing October 24-2024  
To: matt arnold <[mjarnold1@gmail.com](mailto:mjarnold1@gmail.com)>  
Cc: <[mdsmokovich@gmail.com](mailto:mdsmokovich@gmail.com)>, Mike Smokovich <[mikesmokovich@verizon.net](mailto:mikesmokovich@verizon.net)>

Grier had asked me to draft an email/letter for the hearing endorsing the addition of the lift.

My thoughts on our letter follow:

Hearing—2024-0149-V(AD3, CD5)

“We are endorsing the request for approval as outlined in the Arnold’s Letter of Explanation to be considered on October 24, 2024.

Their request is consistent with the apparent design of the original owner of Parcels D and E who is our neighbor. The idea of sharing one pier and sparing the bay from unnecessary disruption was a good idea that has been under optimized for some 40 years. The Arnolds, like the original owner, Barbara Van Horn, have been supportive in maintaining the pier and protecting the Bay.

As we are at the end of Burley Creek, there is no boat traffic that will be impeded and the small watercraft, kayaks and paddle boards will not be impeded.

Your approval will represent a win for all.

Michael and Grier Smokovich”



3753 PAGE 770

DECLARATION OF JOINT USE  
AND OWNERSHIP OF PIER

X-

This agreement made and entered into this 21st day of June 1984, by and between The Burley Corporation formerly known as Bonded Construction Co., Inc., party of the first part, and Chesapeake Property and Development, Inc., party of the second part.

Witness that the first party owns in fee lots D and E Leslie Road, Beachwood on the Burley, Annapolis, Anne Arundel County, Maryland and will convey as of this date lot D Leslie Road to the second party. In accordance with the agreement of sale a lot line revision of the common boundary line between lots D and E extending from Leslie Road to the shoreline and waters of Brewer Cove has been approved by the Office of Planning and Zoning of Anne Arundel County and a variance was granted for the construction of a common use pier to be bisected by said revised boundary line. A copy of the revised plat is attached and is part of this agreement. It is a condition of that plat that a joint use pier agreement be executed by the owner's of Lots D and E Leslie Road prior to the granting of a permit for the construction of the pier. This agreement is in compliance with that requirement.

Witness that for and in consideration of the mutual and respective benefits insuring to each of the parties hereto, the parties now recite, declare and agree:

1. That the first party owns in fee lots D and E Leslie Road and that party will convey by separate deed signed this day all of lot D Leslie Road as described in the attached record plat to the second party.

2. That lots D and E Leslie Road adjoin and have a common boundary line which extends from Leslie Road to the shoreline and waters of Brewer Cove where each property has frontage along said shoreline as described on the attached plat of record amounting to 42.66 feet.

1984 JUL - 2 PM 2:36  
E. ANDREY COLLISON  
CLERK

22.00  
POSTAGE  
#21475 0040 R01 115400

202

3. The second party intends to apply for a permit and construct a

*2/15*  
pier to be located so that the head of said pier is bisected by the common boundary line of the parties' property at the shoreline and extend in a generally southerly direction into the waters of Brewer Cove, but in a specific direction and dimension as may be approved by the responsible governmental authorities having jurisdiction and control over marine construction in Anne Arundel County. Both parties agree to execute any additional or confirmatory documents as may be required by any authorized government agency to secure said permit and to commence and complete construction of said pier.

4. That a variance (V-298-83) was approved 24 January 1984, by the Zoning Hearing Officer of Anne Arundel County and that the pier will be constructed in conformance with that variance.

5. That each party shall have the right to joint use and enjoyment of the entire deck area of said pier and each shall have and retain exclusive riparian rights and control of the waters fronting their respective properties including the exclusive right to moor boats and erect tie piles or other marine structures or uses along said riparian frontage and the side of said pier adjacent thereto.

6. Nothing in this Declaration shall be construed as a conveyance of any rights of the parties hereto to their respective fee interests in the fast land of their respective properties but shall, to the extend of the dimensions of such pier, be and constitute a relinquishment of exclusive riparian rights to the joint use as herein permitted and defined.

*2/15*  
7. That \_\_\_\_\_ maintenance and repair of said pier shall be the joint and equal obligation of the parties, owners of the properties to which said pier is attached.

8. This Agreement shall continue in effect perpetually from the date hereof and shall be and constitute a covenant running with the land binding upon and inuring to the benefit of the parties and their respective heirs, successors, personal representatives and assigns unless mutually modified or rescinded by writing of equal formality to these presents.

As Witness the hands and seals of the parties in person or by their duly authorized representative.

Witness:

\_\_\_\_\_

*Joan A. Broseker*

The Burley Corporation  
Joan A. Broseker, President

\_\_\_\_\_

*Charles Cobun*

Chesapeake Property and Development, Inc.  
Charles Cobun, President

STATE OF MARYLAND  
of Anne Arundel County, to wit:

I HEREBY CERTIFY, That on this 21st day of June, 1984, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Joan A. Broseker, who acknowledged herself to be the President of The Burley Corporation and Charles Cobun who acknowledged himself to be the President of Chesapeake Property and Development, Inc. and as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by themselves as such.

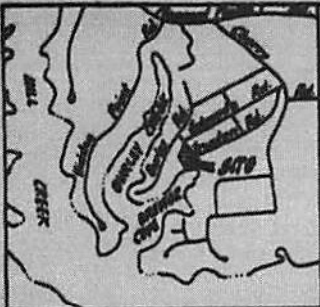
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Joanne T. Linton*  
NOTARY PUBLIC

My Commission Expires: 7/1/86

JOANNE T. LINTON  
Notary Public Anne Arundel Co., MD.

After Record  
Return to  
Chesapeake Property + Development  
P.O. Box 297  
Severna Park Md. 21146  
Set filed on following page



**VICINITY MAP**  
Scale: 1"=2000'

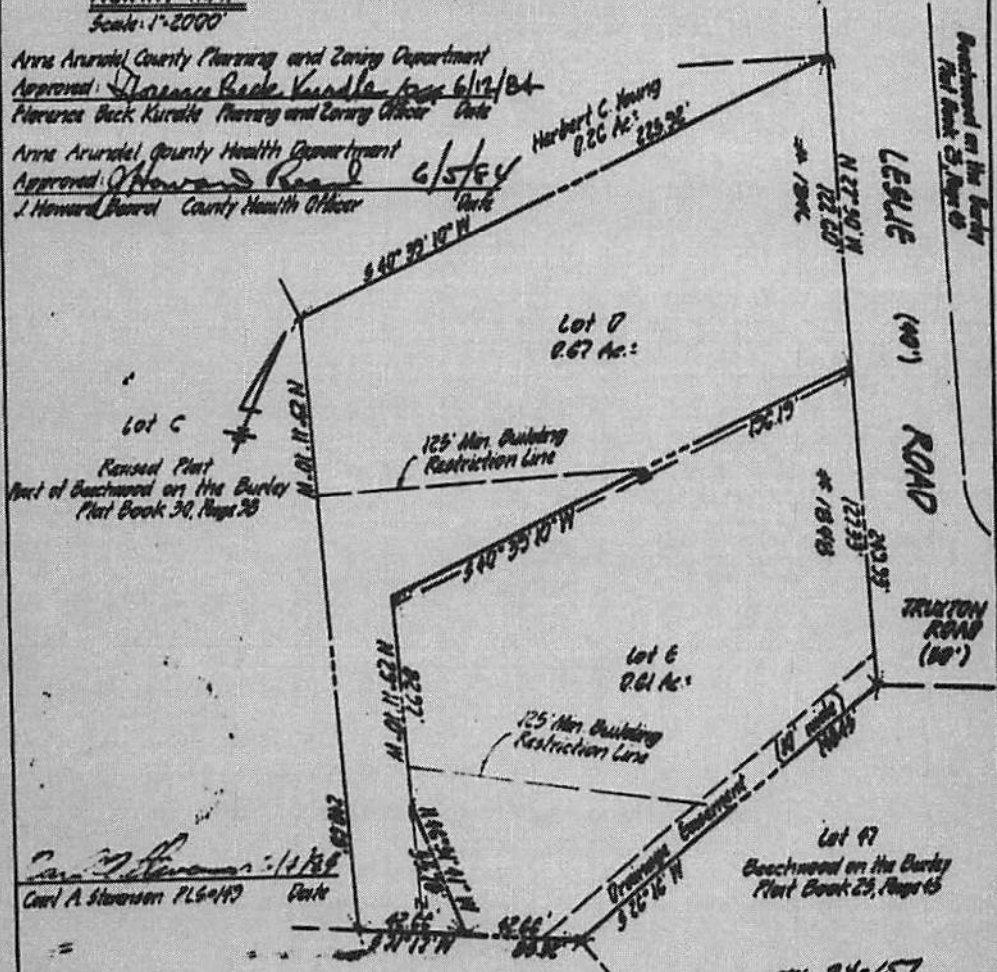
**OWNER'S CERTIFICATE**

We, Donald Construction Co., Inc., a body corporate of the State of Maryland, owner of the property shown and described herein, have by our plan of subdivision, and establish the maximum building restriction lines. There are no easements, rights-of-way, leases, liens, mortgages, trusts, encumbrances or rights-of-way affecting the property, included in this plan of subdivision, and all parties in interest thereto have herewith affixed their signatures indicating their assent to this plan of subdivision.

*John Vinton* 7/3/54  
 Treasurer  
 Donald Construction Company, Inc.  
 M.G.L. 2960/365 Date

Anne Arundel County Planning and Zoning Department  
 Approved: *Florence Beck Kuroda* 6/17/54  
 Florence Beck Kuroda Planning and Zoning Officer Date

Anne Arundel County Health Department  
 Approved: *Howard Reed* 6/5/54  
 J. Howard Reed County Health Officer Date



*Carl A. Stinson* 1/1/58  
 Carl A. Stinson P.L.S. 447 Date

**BREWER CODE**

**NOTE:** A proposal for a common-use easer was approved Jan. 24, 1954 by case no. 1-287-53. The proposal would be for use of owners of Lots D and E, and a joint use agreement must be executed prior to permit approval for a year. Only 1 year will be approved for both lots.

Donald M. Johnson Assoc., Inc.  
 Consulting Engineers, Planners  
 341 Chingwood Avenue N.E.  
 Annapolis, Maryland 21403  
 263-1315

105 84-157  
**LOT LIND ROWSON**  
**LOTS 'D' AND 'E'**  
 Raised Plat of  
**BECHWOOD ON THE BURLEY**  
 PLAT BOOK 30, PAGE 29  
 3rd Dist. 5th Election District  
 Anne Arundel County, Maryland  
 Scale: 1"=50' June, 1954

2024-0149-V



Legend

Foundation

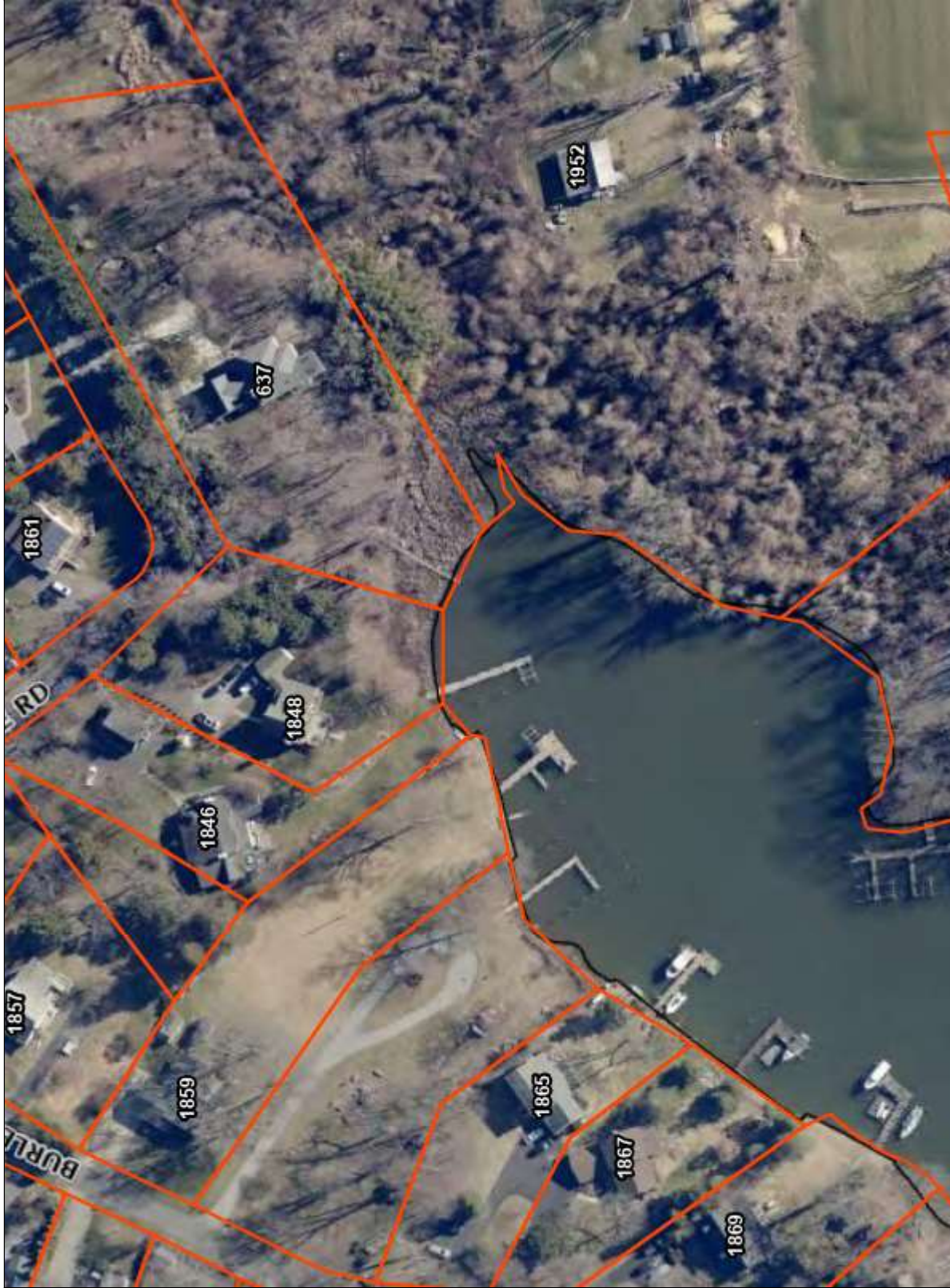
Addressing



Parcels



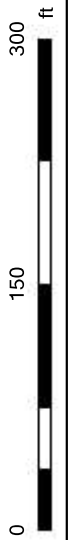
Parcels - Annapolis City



Notes

none

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THIS MAP IS NOT TO BE USED FOR NAVIGATION