

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


**APPLICANTS:** Robert Schaefer, James Schaefer  
& Kenneth Watts

**ASSESSMENT DISTRICT:** 8th

**CASE NUMBER:** 2024-0107-V

**COUNCILMANIC DISTRICT:** 7th

**HEARING DATE:** November 21, 2024

**PREPARED BY:** Donnie Dyott Jr.   
Planner

**REQUEST**

The applicants are requesting a variance to allow a private residential pier that is not accessory to a dwelling unit on property located at 422 Leitch Road in Tracys Landing.

**LOCATION AND DESCRIPTION OF SITE**

The site consists of approximately 4.55 acres of land and is split zoned RA - Rural Agricultural District, MA2 - Light Commercial Marina District and OS - Open Space District. The proposed private pier that is the subject of this variance request is located within the RA portion of the site. The site is located within the Chesapeake Bay Critical Area and is split designated as RCA - Resource Conservation Area and LDA - Limited Development Area. The pier that is the subject of this variance request is located within the RCA portion of the site.

This is a waterfront property on Tracys Creek that is improved with a commercial marina including two commercial piers within the MA2 portion of the site. The site is mapped as both Buffer and BMA - Buffer Modification Area, with the majority of the site and the proposed private pier being within the non BMA portion. The property is identified as Parcel 135 of Block 18 on Tax Map 77.

**APPLICANT'S PROPOSAL**

The applicants are proposing to construct a private residential pier on the RA zoned portion of the site. The proposed pier would be 6' X 100' with a 4' X 20' platform. Also proposed as part of the private pier are 4 mooring pilings, 2 boatlifts and 2 catwalks measuring 3' X 16' and 3' X 20'.

**REQUESTED VARIANCES**

§ 18-4-106 of the Anne Arundel County Zoning Code permits a private residential pier in an RA – Rural Agricultural District if it is accessory to a dwelling unit. § 18-2-204(c) provides that an accessory structure or use may not be located on a lot other than the lot on which a principal structure is located. The proposed pier extends from the RA zoned portion of the site and no dwelling exists. Therefore, a variance to these provisions is required.

## **FINDINGS**

The applicants' letter explains that the subject site is owned 50% by James Schaefer, 25% by Robert Schaefer and 25% by Kenneth Watts. The adjacent property to the south is owned by Robert Schaefer, Cynthia Schaefer, James Schaefer and Rachael Schaefer and is improved with two homes that are occupied by the owners. The Schaefer family owns 75% of the site and the remaining owner Mr. Watts supports the variance request.

The applicants contend that while the Schaefer family can currently use the commercial piers, the private residential pier would allow them to more safely enjoy the water and separate their personal uses from the commercial activities at the commercial marina. The private pier would also avoid taking commercial slips away from the marina due to personal use.

The **Health Department** has no objection to the variance request as the proposal does not adversely affect the on-site sewage disposal and well water supply systems.

The **Department of Recreation and Parks** commented that a portion of the site lies within Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Cultural Resources Division (Office of Planning and Zoning)** commented that the property is situated on a designated Scenic & Historic Road (Leitch Road) and has high archaeological potential. While they have no objection to the variance request, all development applications are subject to review for compliance with Article 17-6-501 to 504. The Cultural Resources division requires review of associated grading/building permits.

The **Critical Area Division (Office of Planning and Zoning)** commented that the proposed plans for a residential pier have been reviewed according to County requirements. The property line extensions are drawn correctly for the purpose of this residential pier and the CA Division has no objection to the variance request.

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 property, strict implementation of the Code would result in an unwarranted hardship or practical difficulties. In this case the site is split zoned between RA, MA2 and OS Districts. The MA2 portion of the site has been improved with a commercial marina while the RA portion has not been improved with a residential use. The Schaefer family who owns a 75% interest in the subject property also owns the adjacent property to the south and would be the ones to utilize the proposed private residential pier. The split zoning of the property is a unique feature of the site and denial of a variance to allow some use of the residentially zoned portion presents a practical difficulty to the applicants. The proposed pier meets all applicable setback requirements and represents the minimum variance necessary to afford relief.

Piers with slips and associated mooring pilings are a common feature of waterfront properties and the neighborhood contains several piers in the area, some of which appear to be commercial and some of which appear to be private residential. Therefore, the proposed variances will not alter the essential character of the neighborhood and will not be detrimental to the public welfare. There is

2024-0107-V

no evidence that the proposal will impair the appropriate use or development of adjacent properties, as the proposal appears to provide adequate separation for navigability.

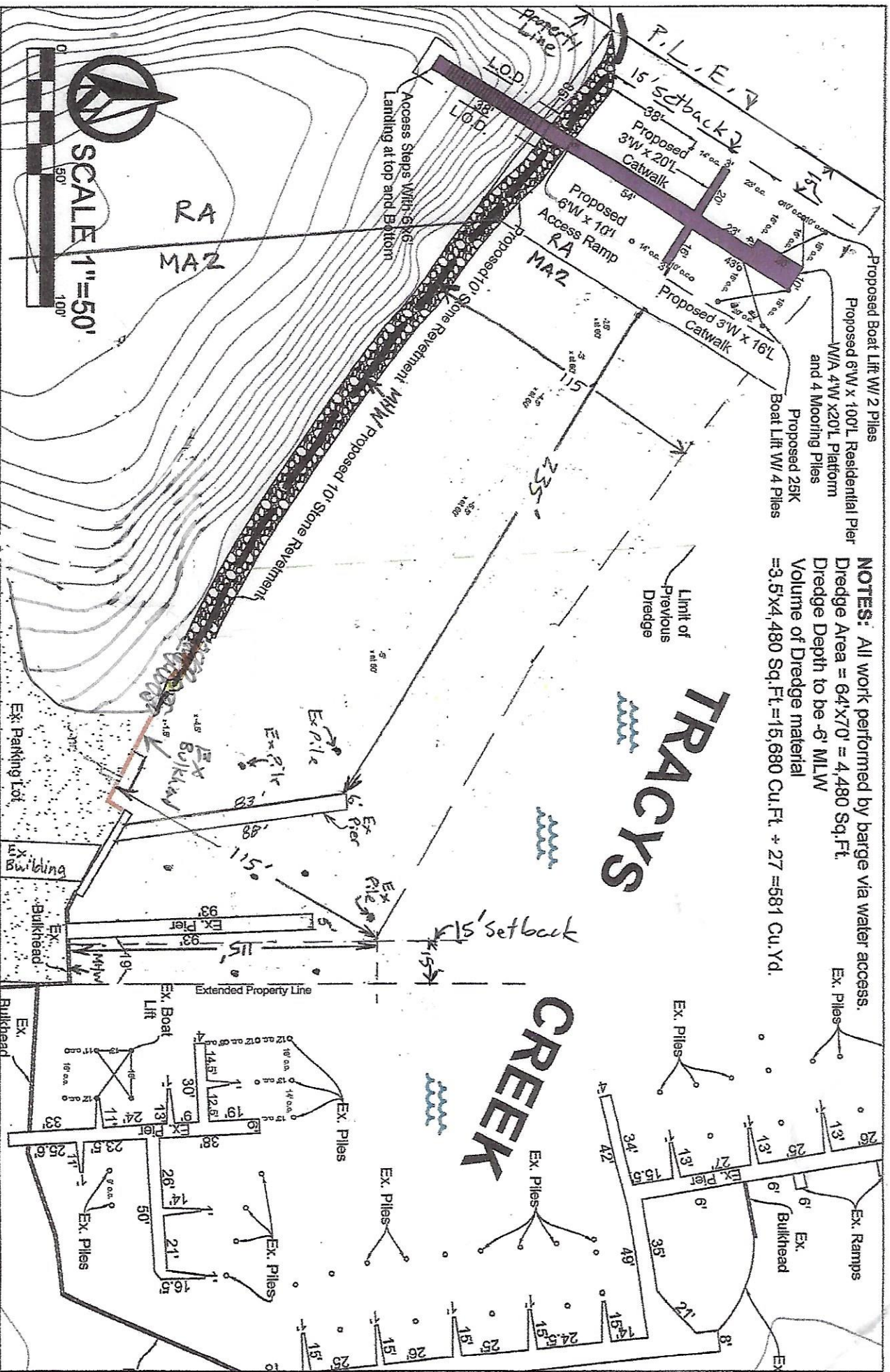
### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of the variances for the pier to be located on a lot without a principal structure 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.

Proposed Boat Lift W/ 2 Piles  
 Proposed 6'W x 100'L Residential Pier  
 W/A 4'W x 20'L Platform  
 and 4 Mooring Piles  
 Proposed 25K  
 Boat Lift W/ 4 Piles

**NOTES:** All work performed by barge via water access.  
 Dredge Area = 64'x70' = 4,480 Sq.Ft.  
 Dredge Depth to be -6' MLW  
 Volume of Dredge material  
 = 3.5'x4,480 Sq.Ft. = 15,680 Cu.Ft. + 27 = 581 Cu.Yd.



**PROPOSED CONDITIONS SITE PLAN**

Proposed: Residential Pier  
 County: Anne Arundel  
 Waterway: Tracy's Creek  
 Date: 05/17/2024 Rev 10/21/24

422 Leitch Rd  
 Tracys Landing, Maryland

Owner: James Schaeffer  
 420 Leitch Rd  
 Tracys Landing, MD20779  
 Fig. of



***Pen Mar Environmental Services, LLC***

*for your environmental permit needs*

P.O. Box 6809

Annapolis, MD 21401

443.875.3955

March 27, 2024

Anne Arundel County  
Planning and Zoning Division  
2664 Riva Road, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Re: LETTER OF EXPLANATION

Proposed Residential Pier Installation

Schaefer Property

422 Leitch Road

Tracy's Landing, MD 20779

Dear Zoning Analyst,

On behalf of the property owners, Robert Schaefer, James Schaefer and Kenneth Watts, we are respectfully requesting a Variance to allow a residential pier on a property with no residential structure. The 4.55 acre property known as 422 Leitch Road in Tracy's Landing is located on the shore of Tracy's Creek in southeast Anne Arundel County. Tracy's Creek is a direct tributary of the Chesapeake Bay and is a Federal Navigation Channel that is dredged regularly by the County under the supervision of the U.S. Army Corps of Engineers. It is split-zoned as Rural Agricultural (RA) and Light Commercial Marina District (MA2). Currently, there is an existing commercial marina with two commercial piers with 12 slips, a parking area and a commercial structure with a shed.

The proposed residential pier would be located within the RA portion of the 4.55 acre property. It meets the requirements for a residential pier in the State of Maryland. Upon extending the property lines into Tracy's Creek, the pier meets the 15-foot setback requirements for a residential pier in Anne Arundel County. No portion of the proposed residential pier extends into the MA2 zone. A building permit has been submitted to the County and is assigned Building Permit number B02422863. This proposed building permit request also includes a request to expand the commercial marina portion of the project. As designed, it is believed that the proposed commercial marina expansion does not require a variance and is not a part of this request.

The Variances being requested are for Article 18-2-204(c), Accessory Structures on a Different Lot, as well as Article 18-4-106, Permitted Uses - Private Residential Pier. The 4.55 acre Marina Property at 422 Leitch Road is owned 50% by James Schaefer, 25% by Robert Schaefer and 25% by Kenneth Watts. The immediately adjacent, 55.17 acre property known as 420 Leitch Road is owned jointly by Robert Schaefer, his wife Cynthia Schaefer, James Schaefer and his wife Rachael Schaefer. The 55.17 acre property supports two homes. Robert and Cynthia Schaefer live at 416 Leitch Road while James and Rachael Schaeffer live at 420 Leitch Road. Given the Schaefer Family's 75% ownership of the commercial Marina at 422 Leitch Road and the support/approval by their partner Mr. Watts, it is felt this is a viable request for a Variance to Articles 8-2-204 and 18-4-206 as the Schaefer Family owns the adjacent 55.17 acre property.

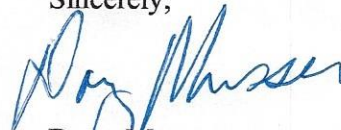
Schaefer Property  
Page Two  
March 27, 2024

The proposed 6' wide x 100' long residential pier would have a 4' wide x 20' long platform, two boat lifts, 4 mooring piles, a 3' wide x 16' long catwalk and a 3' wide x 20' long catwalk. All improvements fit within the buildable area without the need for a variance to side setbacks from the extended property lines. As the Schaefer family could enjoy the use of the commercial marina, using the commercial use for their private use is not a financially prudent way to operate a commercial business. Additionally, the children and grandchildren of the Schaefer family would be better served from a safety stand-point by being away from the commercial business for their personal activities. Including activities that can be enjoyed from a private residential pier, such as fishing and crabbing. Relocating personally owned vessels to the private pier is a desired feature that is not uncommon in this waterfront area. As the family grows and the children age, there will be room for the family to dock their vessels and enjoy a private pier, as opposed to taking away docking slips from their commercial marina.

The proposed residential pier would not alter the character of this waterfront area. Nor will it impair the use or development of adjacent properties. Outside of an allowable set of access steps to the pier, no forest cover will be removed in a Limited Development Area or Resources Conservation Area of the Chesapeake Bay Critical Area as a result of the construction of the pier. It is believed that the proposed pier would not be detrimental to the environment or public welfare.

Previously granted variances that may bear on this case include Case numbers 2018-0140-V and 2020-0084-V. They can be found online at the Anne Arundel County website. Please review the attached plans and call me at 443.875.3955 if you have any questions or need any additional information.

Sincerely,



Doug Musser  
Environmental Consultant  
FPO#11373

Attachments

CC: Robert and Cynthia Schaefer, Owners  
James and Rachael Schaefer, Owners  
Kenneth Watts, Owner

# 2024-0107-V

Menu Cancel Help

Task Details OPZ Critical Area Team

**Assigned Date**

09/06/2024

**Assigned to**

Melanie Mathews

**Current Status**

Complete w/ Comments

**Action By**

Melanie Mathews

**Comments**

The proposed plans for a residential pier have been reviewed according to county requirements. The property line extensions are drawn correctly for the purpose of this residential pier. The critical area section of OPZ has no objections to the request of this 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

Task Specific Information

**Due Date**

09/27/2024

**Assigned to Department**

OPZ Critical Area

**Status Date**

10/21/2024

**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

**Expiration Date**

**Review Notes**

**Reviewer Name**

**Reviewer Phone Number**  
410-222-6136

**Reviewer Email**  
PZMATH20@aacounty.org

Melanie Mathews

# 2024-0107-V

Menu Cancel Help

Task Details OPZ Cultural Resources

**Assigned Date**

09/06/2024

**Assigned to**

Stacy Poulos

**Current Status**

Complete w/ Comments

**Action By**

Stacy Poulos

**Comments**

This property is situated on a designated Scenic & Historic Road (Leitch Rd.) and has high archaeological potential. While the Cultural Resources Section has no objection to the variance, all development applications are subject to review for compliance with Article 17-6-501 to 504. The Cultural Resources Section requires review of associated grading/building permits.

**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**

09/27/2024

**Assigned to Department**

OPZ Cultural Resources

**Status Date**

09/26/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Cultural Resources

**Est. Completion Date**

- Display E-mail Address in ACA
- Display Comment in ACA

Task Specific Information

**Expiration Date**

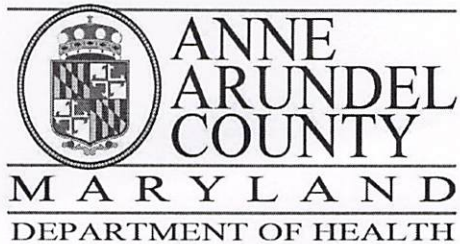
**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**






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: September 10, 2024

RE: James Schaefer  
422 Leitch Road  
Tracys Landing, MD 20779

NUMBER: 2024-0107-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a private residential pier that is not accessory to a dwelling unit in an RA - Residential District.

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



STUART PITTMAN, COUNTY EXECUTIVE  
JESSICA LEYS, DIRECTOR  
RECREATION AND PARKS  
1 HARRY S. TRUMAN PKWY  
ANNAPOLIS, MD 21401  
AA.COUNTY.ORG/RECPARKS



## MEMORANDUM

TO: Sadé Medina, Zoning Division  
Office of Planning and Zoning

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0107-V

DATE: September 9, 2024

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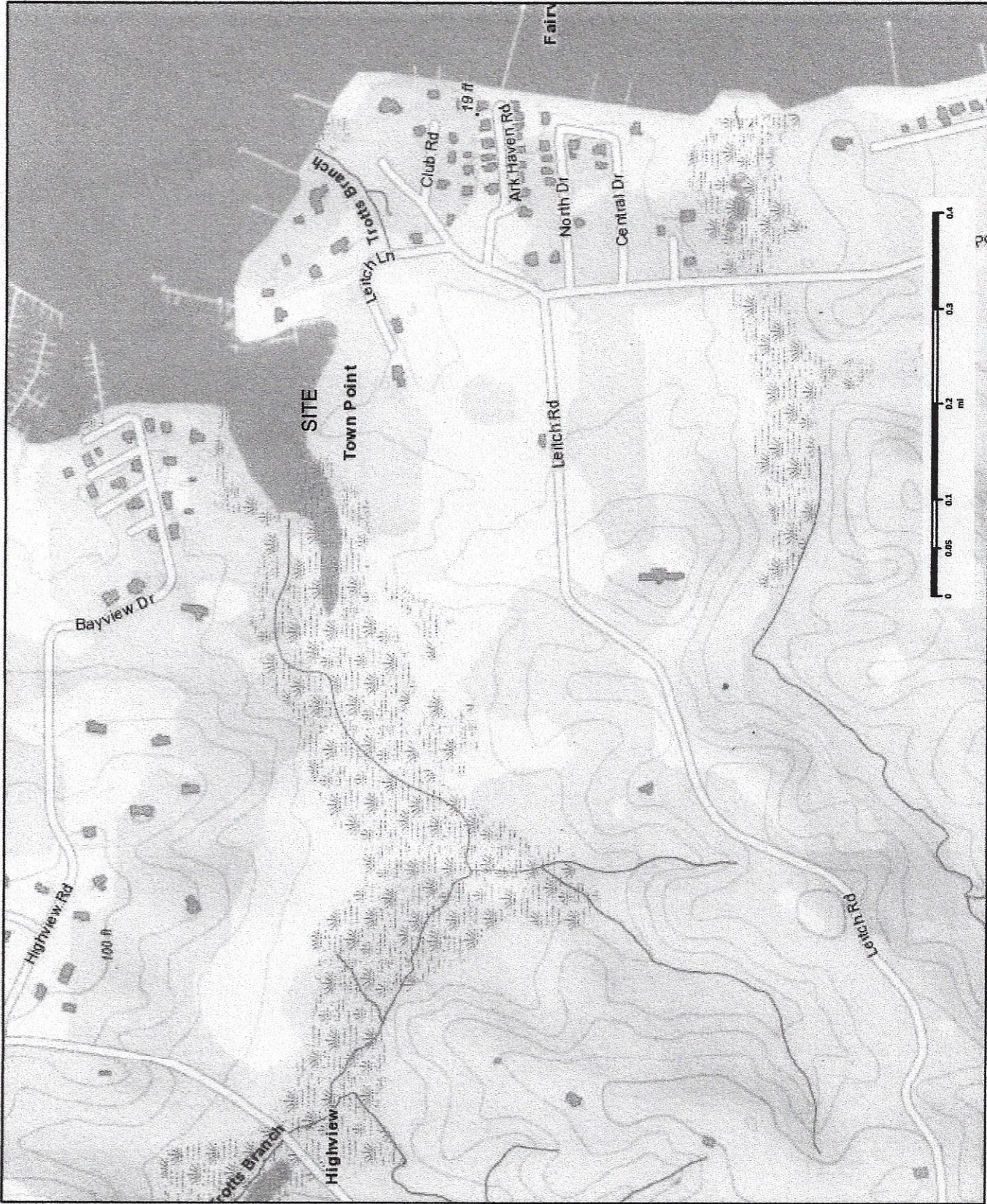
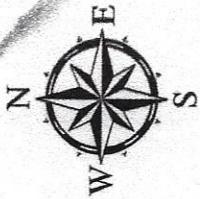
The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File





## Features

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# Vicinity Map- 422 Leitch Road



# Anne Arundel County Critical Area Map

## Legend

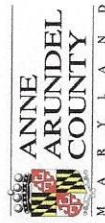
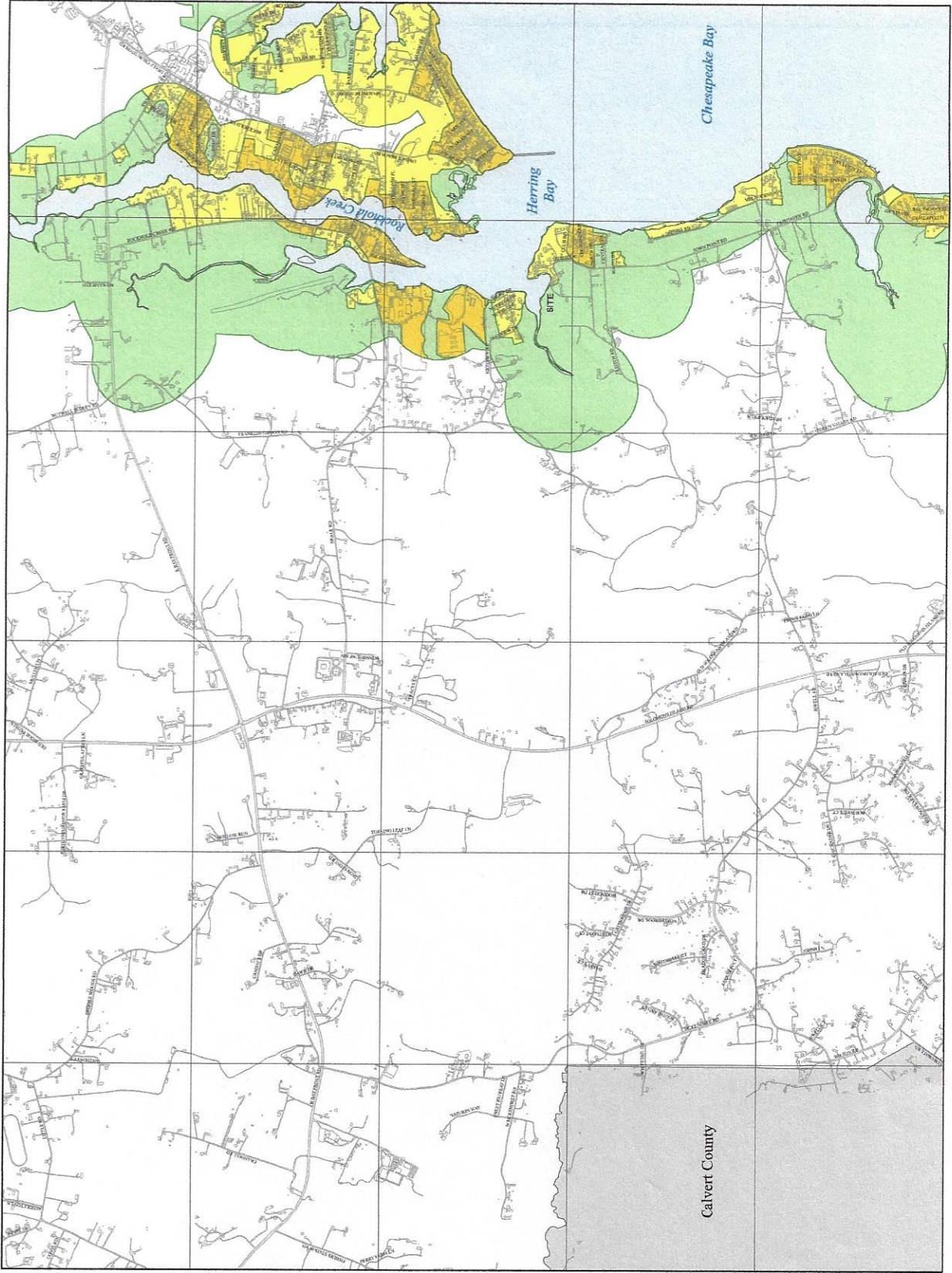
- Road Edge
- Building Foot Print
- Water
- Critical Areas
  - RCA - Resource Conservation Area
  - LDA - Limited Development Area
  - IDA - Intense/ Developed Area



Sheet No. 32



Map Scale: 1" = 1000'



Date: December 30, 2014  
 File: C:\Map\_A\01\01\01\01\Map\_Document\Map\_Critical Areas\Public\Sheet32.mxd  
 Map Projection: NAD 83 UTM Zone 18N  
 Map Scale: 1" = 1000'  
 2008 Information: Based on 2005 aerial photography from the Office of Planning and Zoning.  
 Digital datasets available in GISV are digitized from maps by the Office of Planning and Zoning.



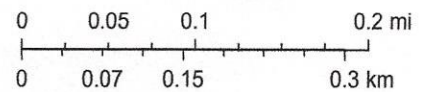
# Aerial Photo - 422 Leitch Road



3/26/2024, 9:05:53 AM

1:9,028

- |                  |                 |
|------------------|-----------------|
| State Road Label | Orthophoto 2023 |
| Local Road Label | Red: Red        |
| Streams Label    | Green: Green    |
| County Boundary  | Blue: Blue      |
|                  | Parcels         |



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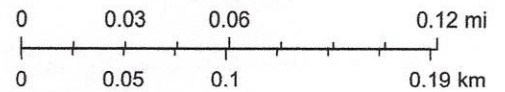
# Aerial Photo - 422 Leitch Road



3/26/2024, 9:03:31 AM

1:4,514

- Local Road Label
- Streams Label
- County Boundary
- Orthophoto 2023
- Red: Red
- Green: Green
- Blue: Blue
- Parcels
- Structure Address



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### Features

## Ortho 2021

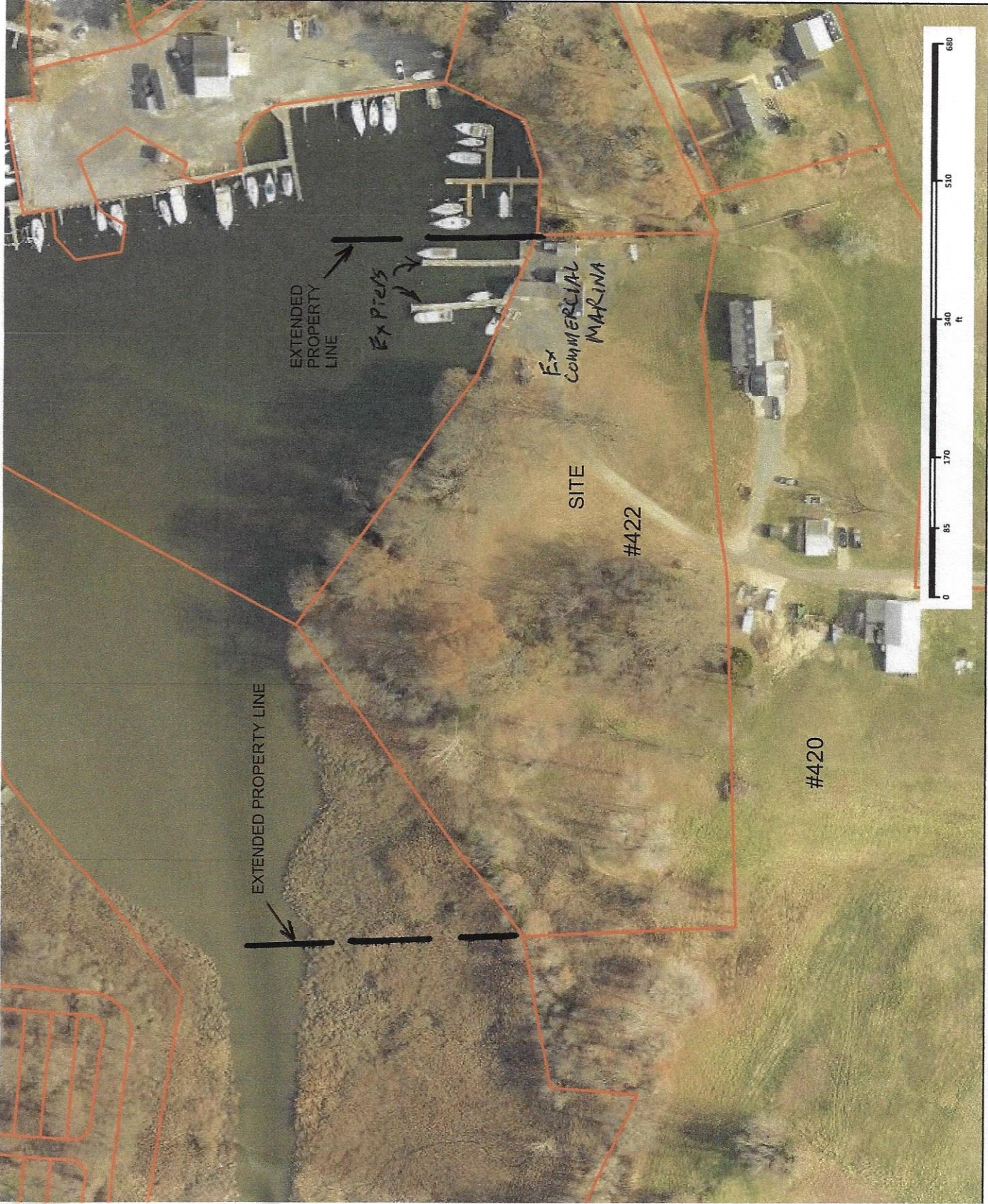
- █ Red: Red
- █ Green: Green
- █ Blue: Blue
- Parcels

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# Aerial Photo - 422 Leitch Rd

Date: 5/30/2024

Time: 8:13 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere





**Features**

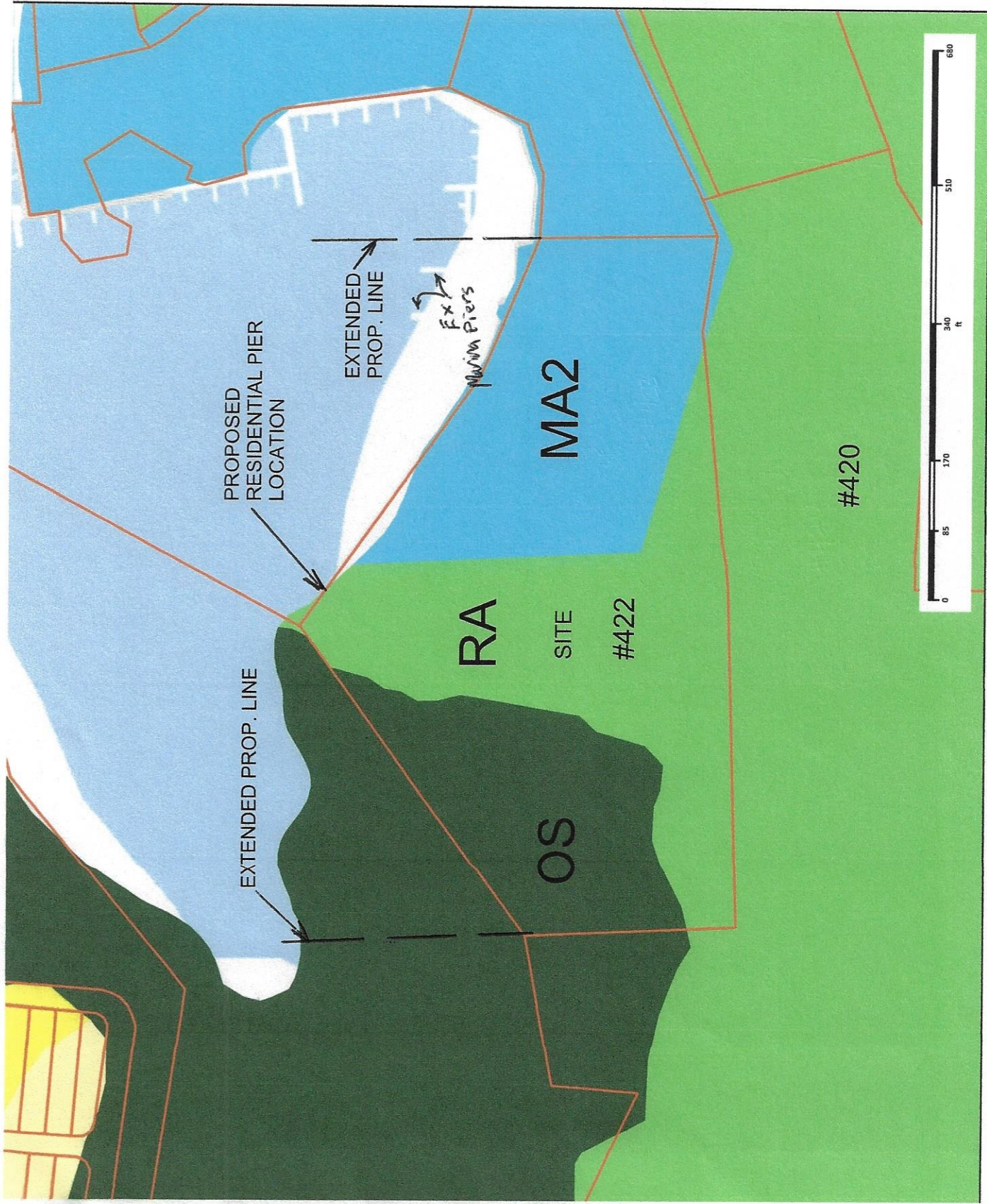
**Zoning**

- Parcels
- Zoning**
- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B Neighborhood Marina
- MA2 Light Commercial Marina
- MA3 Yacht Club
- MB General Commercial Marina
- MC Heavy Commercial Marina
- MXP-C Mixed Use Commercial
- MXP-E Mixed Use Employment
- MXP-R Mixed Use Residential
- MXP-T Mixed Use Transit
- OS Open Space
- OTC-C Odenton Town Center Core
- OTC-E Odenton Town Center East Odenton Village Mk
- OTC-FM Odenton Town Center Fort Meade Business Mk
- OTC-H Odenton Town Center Historic
- OTC-I Odenton Town Center Industrial
- OTC-T Odenton Town Center Historic
- R1 Residential
- R10 Residential
- R15 Residential
- R2 Residential
- R22 Residential
- R3 Residential
- RA Rural Agricultural
- RD Residential Low Density
- SB Small Business District
- TC Town Center
- W1 Industrial - Light
- W3 Industrial - Heavy
- Water

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# Zoning Map - 422 Leitch Rd

Date: 5/30/2024

Time: 8:32 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



# Tidal Wetland Map - 422 Leitch Rd

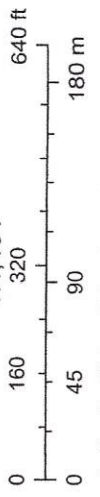


5/30/2024, 8:01:32 AM

Maryland Department of Natural Resources Wetlands

- Local Road Label
- Streams Label
- County Boundary
- Orthophoto 2023
- Red: Red
- Green: Green
- Blue: Blue
- Palustrine
- Estuarine
- Parcels

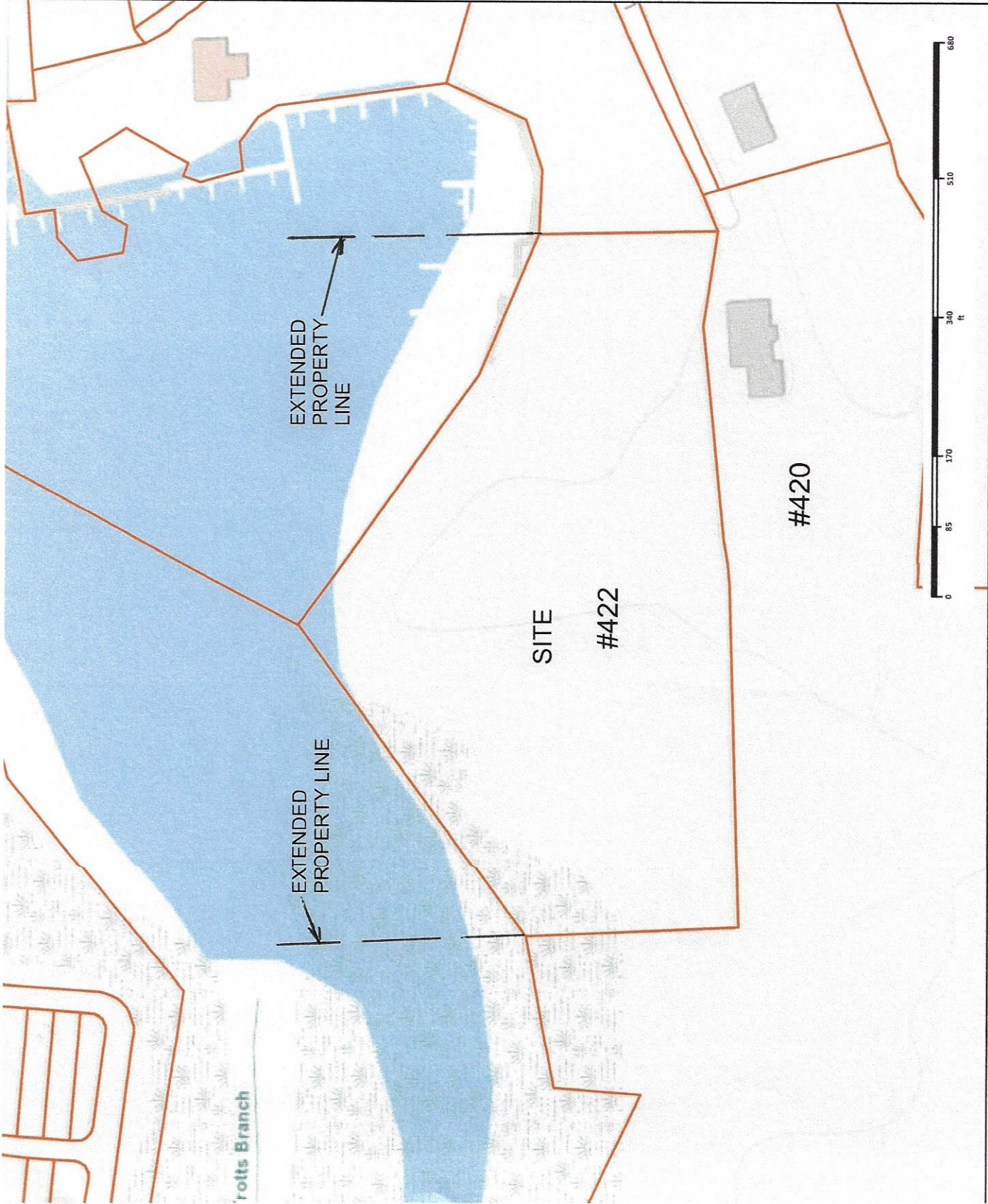
1:4,401



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### Features

- Parcels

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# Extended Property Line Map - 422 Leitch Rd



# Center of Cove Map - 422 Leitch Rd



5/30/2024, 11:41:22 AM

1:4,401  
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0 45 90 180 m

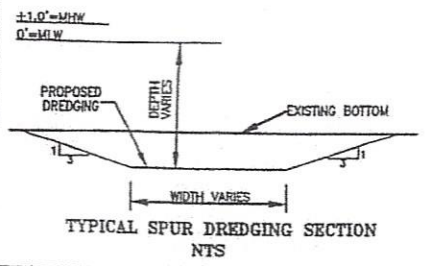
- Local Road Label
- County Boundary
- Streams Label
- Structure Address
- Override 1
- Parcels

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# ROCKHOLD CREEK



TOWN POINT MARINA PREVIOUSLY PERMITTED AND DREDGED UNDER IVABOP-RW (CRANDELL, EDWIN) 84-0732-1, 84-WL-580

APPLICATION BY:  
EDWIN CRANDELL  
6115 LEITCH LANE  
TRACYS LANDING, MD 20779

portable sewage pumpout available

NO SAV OBSERVED  
2003, 2004, 2005

TOWN POINT COVE

PROP. DREDGING TO -6.0' MLW

EX. TIMBER BULKHEAD

MLW  
MHW

HARVEY LEET  
6113 LEITCH LANE  
TRACYS LANDING, MD 20779

SITE

EDWIN CRANDELL  
6115 LEITCH LANE  
TRACYS LANDING, MD 20779

JAMES SMITH  
6114 LEITCH LANE  
TRACYS LANDING, MD 20779

COUNTY CHANNEL TO -6.0' MLW

EX. PIERS

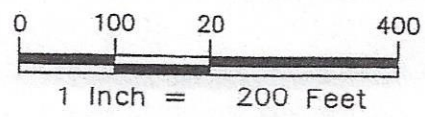
## APPROVED MDE DREDGING PLAN

### LEGEND

3.0 = EXISTING DEPTH  
○ = PILING

### SPUR DATA

AREA = 146355 S.F.  
VOLUME = 13551 C.Y.



07-WL-0672  
RAMS#200667329

DATE: JULY 2006

### NOTES:

1. TIDAL RANGE IS 1.0 FEET.
2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
3. MATERIAL WILL BE PLACED AT THE TOWN POINT DMP SITE.
4. THESE ARE PERMIT DRAWINGS ONLY. DESIGN DRAWINGS WILL BE PREPARED SEPARATELY.
5. QUANTITIES SHOULD NOT BE USED FOR BIDDING.

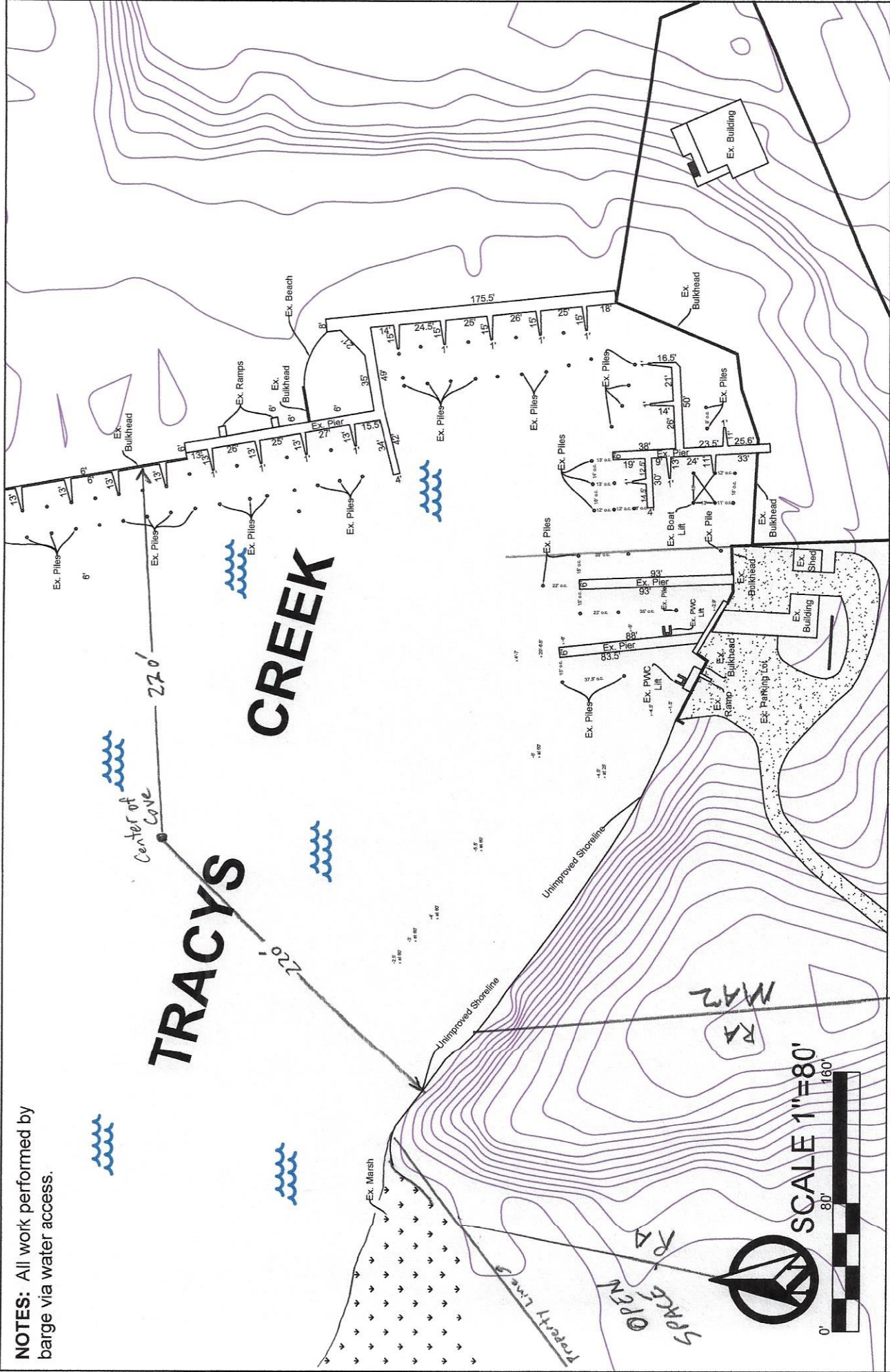
**BayLand**  
Consultants & Designers, Inc.  
"Integrating Engineering and Environment"

1321 Mercedes Drive, Suite C Phone: (410) 694-9401  
Hanover, Maryland 21076 Fax: (410) 694-9405

TOWN POINT COVE  
SPUR 3  
EDWIN CRANDELL  
TOWN POINT MARINA  
6115 LEITCH LANE



**NOTES:** All work performed by barge via water access.



# EXISTING CONDITIONS SITE PLAN

Proposed: New Marina  
County: Anne Arundel  
Waterway: Tracys Creek  
Date: 05/18/2023

422 Leitch Rd  
Tracys Landing, Maryland

Owner: James Schaeffer  
420 Leitch Rd  
Tracys Landing, MD 20779  
Fig. of \_\_\_\_\_

I Robert Schaefer,

do affirm that the property known as 420 Leitch Rd, Tracys Landing, Md has a "Tenant" house occupied by myself and wife. This house is being used for farming operation on this property of 51 plus acres.

There is only 1 Tenant house on this 51 plus Acres.

Thank you

Robert Schaefer

*Robert Schaefer 9-5-24*

Witness: Brooke Kiatta

*Brooke Kiatta 9/5/24*



# Map Title



## Legend

### Foundation

#### Addressing



#### Parcels

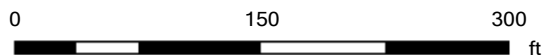


#### Parcels - Annapolis City



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



THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes