

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

**APPLICANT:** Ricky S. Herron & Phuoc V. Le

**ASSESSMENT DISTRICT:** 2<sup>nd</sup>

**CASE NUMBER:** 2024-0154-V

**COUNCIL DISTRICT:** 6<sup>th</sup>

**HEARING DATE:** November 19, 2024

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicant is requesting a variance to allow a pier, platform, and pilings with less setbacks than required on property located at 2994 Valley View Road in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 10,836 square feet of land and is located on the northwest side of Valley View Road, approximately 320 feet southwest of Dogwood Trail. It is identified as Lot 98 of Parcel 73 in Grid 24 on Tax Map 50 in the Cape St. John subdivision.

The property is zoned R2 – Residential District. This waterfront lot is located on Maccubin’s Cove, lies within the Chesapeake Bay Critical Area overlay, is designated as IDA – Intensely Developed Area, and is mapped as a BMA - Buffer Modification Area. It is currently improved with a single-family detached dwelling, a pier, and associated facilities.

**PROPOSAL**

The applicant proposes to demolish the existing 5.5’ wide by 72’ long pier and six associated mooring pilings and to construct a new 6’ wide by 72’ long residential pier with a 10.5’ by 12’ platform<sup>1</sup> and four boat lift pilings to support a 13’ wide by 10’ long boat lift.

**REQUESTED VARIANCES**

§ 18-2-404(b) of the Anne Arundel County Zoning Code requires a private pier or piling to be set back a minimum of 15 feet from a lot line extended. The proposed main pier would be located nine feet from the south side lot line extended and 14 feet from the north side lot line extended, necessitating variances of six feet and one foot, respectively. The proposed platform would be located five feet from the north side lot line extended, necessitating a variance of ten feet. The two outer boat lift pilings would be located zero feet and three feet from the south side lot line extended, necessitating variances of 15 feet and 12 feet, respectively.

**FINDINGS**

A review of the County 2024 aerial photograph shows intense pier development within this portion of Maccubin’s Cove. The extended lot lines converge towards the center of the cove, significantly restricting the buildable water area of the subject lots and the neighboring lots. The vast majority of

---

<sup>1</sup> The site plan shows a proposed 12’ by 16.5 platform. However, in line with the way that MDE measures platforms, this includes the 6’ wide pier section to which it is attached. The platform would actually measure 10.5’ by 12’.

waterfront properties in the area contain piers, most of which also contain mooring pilings and/or boat lifts. While there are a few pier platforms nearby, there are no platforms located within this particularly tight portion of the cove.

The **Development Division (Critical Area Team)** commented that the proposed pier project has been reviewed under building permit B02429386 for property line extensions (PLEs) and compliance with 18-2-404. The property line extensions are drawn using the point-of-cove method and are generally in agreement with the waterway Topo Maps (S26) and with historically applied PLEs for piers in Maccubin's cove (formerly Boyds Cove). The widening and extension of the existing pier along with the addition of a 10'x 12' platform and 10'x 13' boatlift does not appear to meet the requirements of Article 18-16-305. Historical testimonies taken from a previous variance application, 2008-0277-V, support limited but reasonable development of piers and associated structures in this small cove. All existing piers in Maccubin's Cove are single piers with the use of one side for mooring and dockage. None of the piers have the luxury of an additional platform. Therefore, the Critical Area Team opines that the proposed project should be minimized to reduce the size of, or remove completely, the proposed platform to the North so as to alleviate overcrowding in the cove and keep the development of the piers consistent. With the recommended minimization, the Critical Area Team has no objection to a modified variance approval for pier expansion at this property.

The **Health Department** has no objection to the variance request.

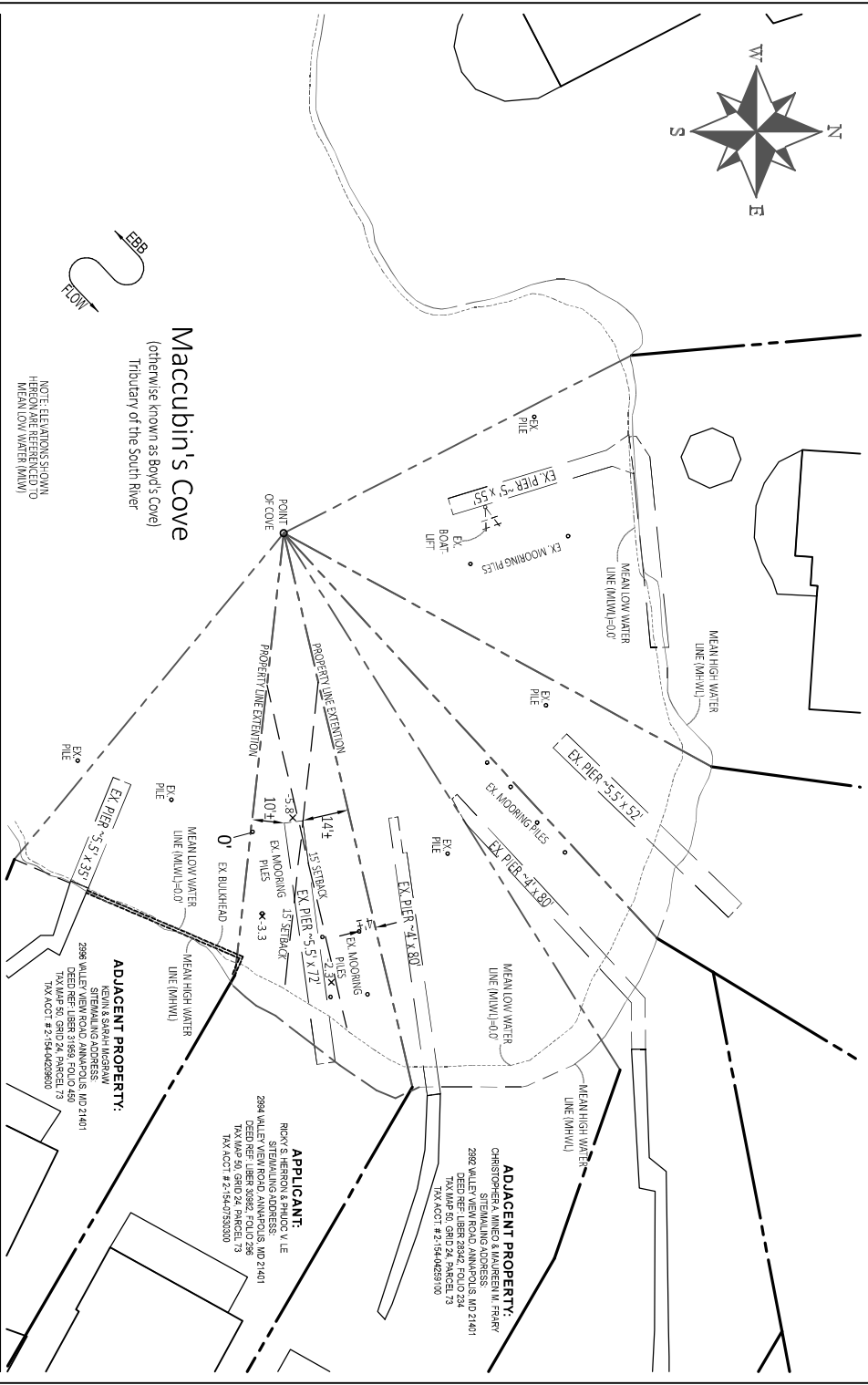
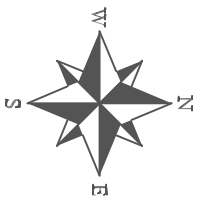
For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. 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. However, because of the convergence of the extended lot lines towards the center of the cove, construction of a pier with a usable boat lift or slip would be impossible without variance relief.

Approval of the variance would not necessarily alter the essential character of the neighborhood or be detrimental to the public welfare. However, the variance may impair the appropriate use or development of the adjacent property to the north, as the proposed platform on the north side would intensify the pier surface congestion in this already tight portion of the cove. Taking into account the practical limitations caused by the converging lot line extensions and cove location, the request for some variance relief is justifiable. However, a pier with a boat lift on one side and a platform on the other side is excessive for this tight cove location and would provide the applicant a unique privilege that other neighbors within this portion of the cove do not have. While there are already two mooring pilings on the north side of the pier, the proposed platform would be constructed significantly further from the shoreline than the existing pilings, which would intensify the overcrowding in the area between the subject pier and the pier to the north. In line with the Critical Area Team comments, the proposed platform should be minimized or eliminated from the north side, as it is not considered to be the minimum variance necessary to allow reasonable use of and access to the water.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***modified approval*** of a zoning variance to § 18-2-404(b) to allow all proposed improvements with the exception of the 10.5' by 12' platform.

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.



**Maccubin's Cove**  
(otherwise known as Boyd's Cove)  
Tributary of the South River

**EXISTING CONDITIONS PLAN**

Scale: 1"=40'

BY: Fetch, LLC  
326 First Street, Suite 16  
Annapolis, MD 21403

**APPLICANT/OWNER:**  
Ricky S. Herron & Phuoc V. Le

**SITE ADDRESS:**  
2994 Valley View Rd, Annapolis, MD 21401

**MAILING ADDRESS:**  
2994 Valley View Rd, Annapolis, MD 21401

**PROPERTY DETAILS:**

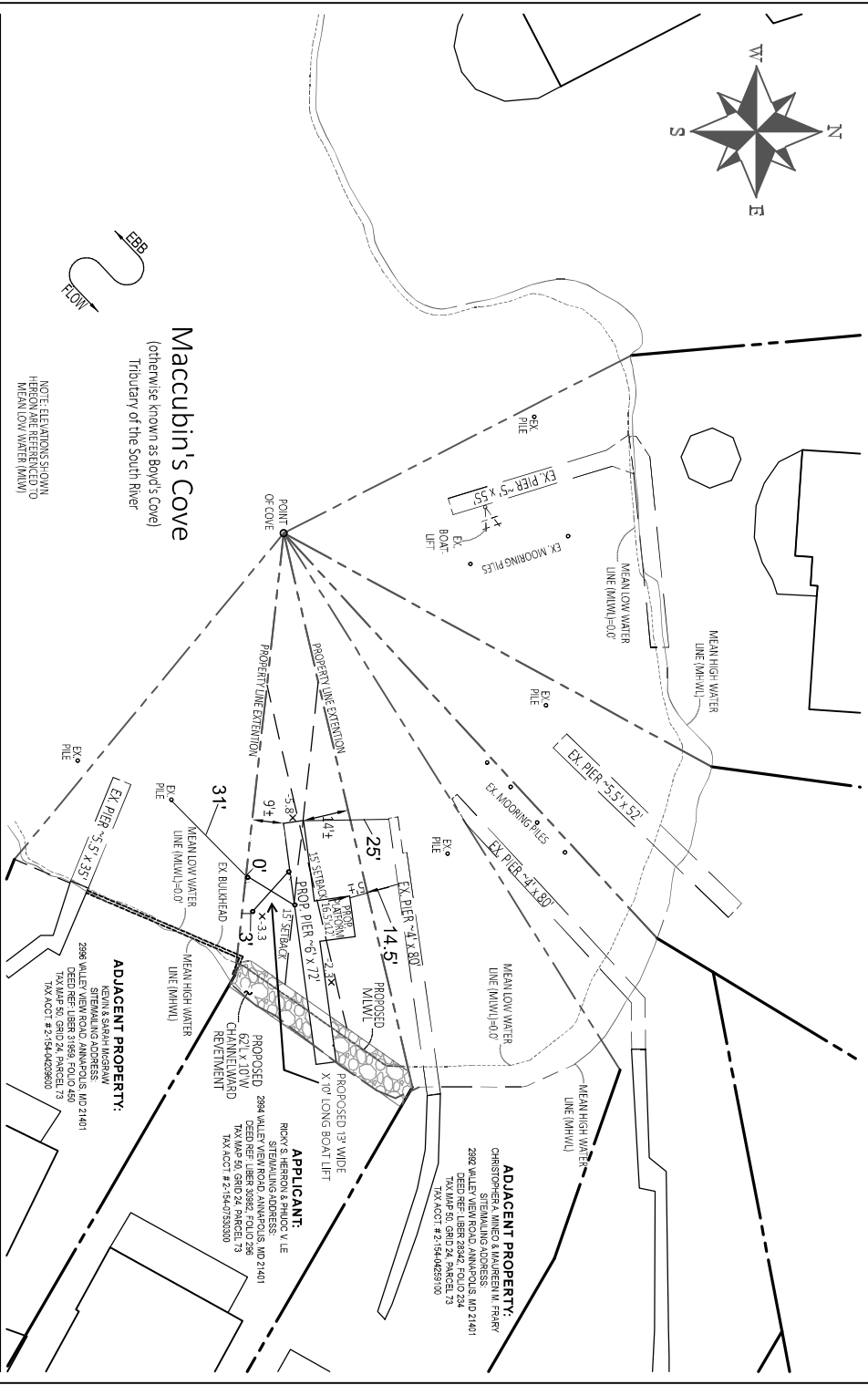
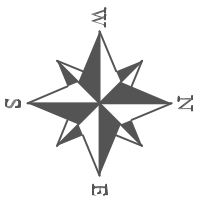
Anne Arundel County, MD  
Tax Map: 50, Grid 24, Parcel 73  
Tax Account # 2-154-07530300  
Deed Ref: L:30982, F:296  
Plat Ref.: Book 21, Page 15  
Cape St. John, Lot 98, Sec. 'C'  
Area: 10.836± s.f. or 0.2487± ac.  
Date: 25 July 2024  
Page: 2 of 6

**PROPOSED WORK:** Pier (Replace), Platform, Boat Lift, & Stone Revet.

ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE REFER TO THE PLANS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON THE OR NEIGHBORING PROPERTIES OWNERS SHOULD PERFORM PRELIMINARY BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.

COPYRIGHT © FETCH, LLC 2024

THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH OWNS THE COPYRIGHT TO THE USE OF THE PLAN. NO PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE EXPRESS PURPOSE OF APPLYING FOR PERMITS TO PERFORM THE WORK DESCRIBED IN THE PLAN.



NOTE: ELEVATIONS SHOWN HEREIN ARE BASED ON MEAN LOW WATER (MLW)

**Maccubin's Cove**  
(otherwise known as Boyd's Cove)  
Tributary of the South River

<p><b>PROPOSED CONDITIONS PLAN</b></p> <p>Scale: 1"=40'</p> <p>By: Fetch, LLC 326 First Street, Suite 16 Annapolis, MD 21403</p>	<p><b>APPLICANT/OWNER:</b> Ricky S. Herron &amp; Phuoc V. Le</p> <p><b>SITE ADDRESS:</b> 2994 Valley View Rd, Annapolis, MD 21401</p> <p><b>MAILING ADDRESS:</b> 2994 Valley View Rd, Annapolis, MD 21401</p>	<p><b>PROPERTY DETAILS:</b></p> <p>Anne Arundel County, MD Tax Map: 50, Grid 24, Parcel 73 Tax Account # 2-154-07530300 Deed Ref.: L30982, F296 Plat Ref.: Book 21, Page 15 Cape St. John, Lot 98, Sec. 'C' Area: 10.836± s.f. or 0.2487± ac. Date: 10-23-24 Page: 3 of 6</p>	<p><b>PROPOSED WORK: Pier (Replace), Platform, Boat Lift, &amp; Stone Revet.</b></p> <p>ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON THE OR NEIGHBORING PROPERTIES OWNERS SHOULD PERSONAL PROMPT BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.</p> <p>COPYRIGHT © FETCH, LLC 2024</p> <p>THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH OWNS THE COPYRIGHT TO THE USE OF THE PLAN. NO PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE EXPRESS PURPOSE OF APPLYING FOR PERMITS TO PERFORM THE WORK DESCRIBED IN THE PLAN.</p>
--	---	---	---

**ADJACENT PROPERTY:**  
CHRISTOPHER A WILCOX & SHARREN M. FEARY  
2990 VALLEY VIEW ROAD, ANNAPOLIS, MD 21401  
DEED REF: LBER 2642, FOLIO 284  
TAX MAP 50, GRID 24, PARCEL 73  
TAX ACCT # 2-154-04259700

**APPLICANT:**  
RICKY S. HERRON & PHUOC V. LE  
SITE MAILING ADDRESS:  
2884 VALLEY VIEW ROAD, ANNAPOLIS, MD 21401  
DEED REF: LBER 30982, FOLIO 286  
TAX MAP 50, GRID 24, PARCEL 73  
TAX ACCT # 2-154-07530300

**ADJACENT PROPERTY:**  
2898 VALLEY VIEW ROAD, ANNAPOLIS, MD 21401  
SITE MAILING ADDRESS:  
2898 VALLEY VIEW ROAD, ANNAPOLIS, MD 21401  
DEED REF: LBER 31694, FOLIO 459  
TAX MAP 50, GRID 24, PARCEL 73  
TAX ACCT # 2-154-04259900

Date: October 23, 2024

Zoning Division of the Office of Planning & Zoning  
Anne Arundel County  
Heritage Office Complex  
2664 Riva Road  
Annapolis, Maryland 21401  
Zoning Division - (410) 222-7437

**RE: VARIANCE REQUEST**

APPLICANT: RICKY S. HERRON & PHUOC V. LE  
MAILING ADDRESS: 2994 VALLEY VIEW RD., ANNAPOLIS, MD 21401  
SITE ADDRESS (FOR VARIANCE): 2994 VALLEY VIEW RD., ANNAPOLIS, MD 21401  
TAX ID: 215407530300

Dear Zoning Office:

This letter explains the request by Ricky S. Herron and Phuoc V. Le for zoning variances for the installation of a pier replacement and lift piles that encroach into the 15 ft. setback areas at 2994 valley View Rd., Annapolis, MD 21401. This property contains 10,836 SF of area and is located on Maccubin's Cove. The lot is approximately 62 ft. wide at the street and approximately 62 ft. wide at the shoreline. The property currently contains an existing 72 ft. long pier and six (6) mooring piles and is situated along a section of Maccubin's Cove where all the piers generally face a shared center of cove.

Based on the provisions of the Code relating to setbacks, the applicant must maintain 15 ft. on either side of the property line extensions into water. Cove sites have property line extensions and associated setback areas that create unique and small pie slices in the water. This small pie slice allowable for construction of a pier is not large enough to install a pier long enough to reach navigable water. The physical uniqueness of this property makes it impossible for the applicant to build a pier that would conform to the Code creating an unnecessary hardship.

The replacement pier will take up a similar area as the current pier and does not encroach any further than the current channelward extent. The proposed 13 ft. wide x 10 ft. long boat lift will go in the current southerly mooring slip with reduced length dimensions – a decrease from 24 ft. to 10 ft. A 10.6 ft. wide (16.5 ft. when you count the 6 ft. wide pier area) x 12 ft. platform is proposed in the current 12 ft. wide x 18 ft. long mooring slip on the northern side of the pier. The current pier has been in its existing configuration since at least 1995 (see exhibit #1). Therefore, it would not appear that the proposed pier would be in any way a navigational concern for the adjacent waterfront property owners now or in the future due to the historic use of the area to ingress and egress the existing mooring slip areas.

The uniqueness of the applicant's lot creates a hardship for which relief from the Code is warranted. Variance requests are for the following:

1. A zoning variance of 10 ft. for platform areas in the northern setback area, as close as 5 ft. to the northern PLE.
2. A zoning variance of 1 ft. for pier areas in the northern setback area, as close as 14 ft. to the northern PLE.
3. A zoning variance of 6 ft. for pier and lift pile areas in the southern setback area, as close as 9 ft. to the southern PLE.
4. A zoning variance of 15 ft. for one (1) lift pile in the southern setback area, as close as 0 ft. to the southern PLE.
5. A zoning variance of 12 ft. for one (1) lift pile in the southern setback area, as close as 3 ft. to the southern PLE.

**The granting of the variance will not:**

- (a) Alter the essential character of the neighborhood or district in which the lot is located

It appears that most every property in the cove contains a pier. Both adjacent property owners have piers. This proposal is similar to other piers in the area and would not alter the essential character of the area.

- (b) Substantially impair the appropriate use or development of adjacent property

The proposed pier and platform are approx. 25 ft. and 14.5 ft. from the neighboring pier to the north (2992 Valley View Rd.) and the proposed lift piles are at least 25 ft. from the mooring piles to the south (located at 2996 Valley View Rd.). Neither of these distances provide a navigational issue for the adjacent property owners and allow neighbors to continue to utilize their piers in the same manner as now. The mooring slip at the pier at 2992 Valley View Rd. is located on the north side of their pier and access will remain uninhibited to this slip area.

- (c) Reduce forest cover in the Limited Development and Resource Conservation areas of the Critical Area

This does not apply to this proposal.

- (d) Be contrary to acceptable clearing and replanting practices required for development in the of the Critical Area or a Bog Protection Area; or be detrimental to the public welfare

This does not apply to this proposal.

The proposal conforms with Maryland Department of the Environment (COMAR, Title 27) & Army Corp. of Engineers regulations and all appropriate state and federal permitting have been submitted.

It is our belief based on the usable property area that the proposed location of all structures is the minimum necessary to afford relief to applicant. We look forward to hearing from you upon acceptance of these explanations.

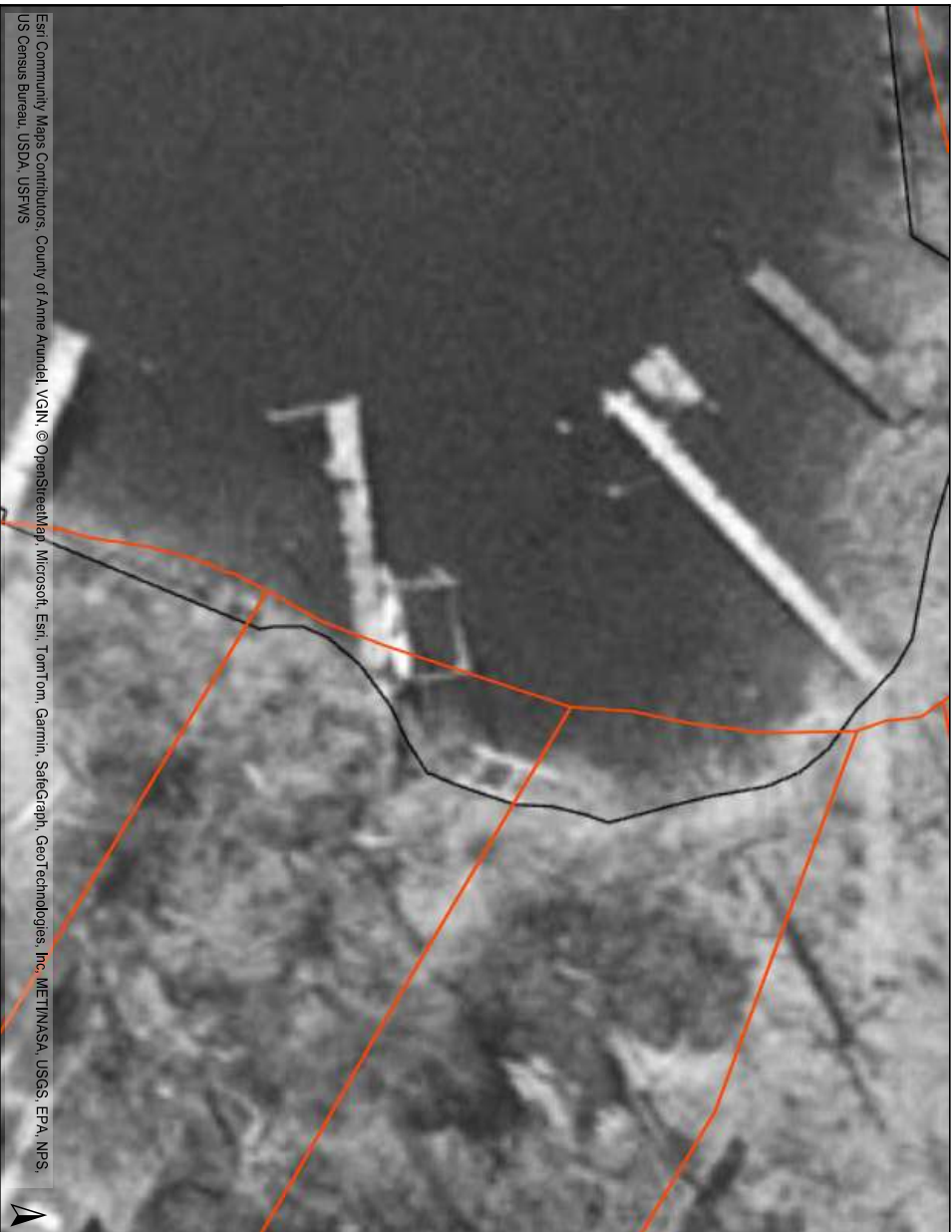
Thank you,



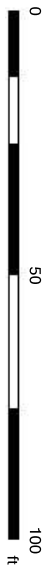
Lauren Heinsohn, Principal  
Fetch Consulting Group



# 1995 Aerial Image - 2994 Valley View Rd., Annapolis, MD 21401



Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



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.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



## Legend

Foundation

Addressing



Parcels



City of Annapolis Parcels



Imagery

BW 1995



Retf: Red



Green: Green



Blue: Blue

## Notes

# Exhibit #1

# 2024-0154-V

Menu Cancel Help

**Task**  
OPZ Critical Area Team  
**Assigned to Department**  
OPZ Critical Area  
**Action by Department**  
OPZ Critical Area  
**Start Time**

**Due Date**  
09/02/2024  
**Assigned to**  
Melanie Mathews  
**Action By**  
Melanie Mathews  
**End Time**

**Assigned Date**  
08/14/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
08/16/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
The proposed pier project has been reviewed under building permit B02429386 for property line extensions (PLEs) and compliance to 18-2-404. The property line extensions are drawn using the point-of-cove method and are generally in agreement with the waterway Topo Maps (S26), and with historically applied PLEs for piers in Maccubin's cove (formerly Boyds Cove). The widening and extension of the existing pier, along with the addition of a 10'x 12' platform and 10'x 13' boatlift does not appear to meet the requirements of Article 18-16-305 in regard to the applicant having an unnecessary hardship, altering the essential character of the cove, and impairing use or development of adjacent properties. Historical testimonies taken from a previous variance application, 2008-277-V, support limited but reasonable development of piers and associated structures in this small cove. All existing piers in Maccubins Cove are single piers with the use of one side for mooring and dockage. None of the piers have the luxury of an additional platform. Therefore, it is the opinion of the Critical Area section of Planning and Zoning that the proposed project be minimized to reduce the size of, or remove completely, the proposed platform to the North so as to alleviate overcrowding in the cove and keep the development of the piers consistent. With the recommended minimization, the Critical Area section has no objection to a modified variance approval for pier expansion at this property.

**Time Tracking Start Date**      **Est. Completion Date**  
**Display E-mail Address in ACA**  **Display Comment in ACA**

**In Possession Time (hrs)**  
**Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

---

**Expiration Date**

**Review Notes**

**Reviewer Name**  
MELANIE MATHEWS

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

**Reviewer Email**  
PZMATH20@aacounty.org





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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: August 14, 2024

RE: Ricky S. Herron  
2994 Valley View Rd.  
Annapolis, MD 21401

NUMBER: 2024-0154-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier, platform and pilings with less setbacks than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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

