

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


**APPLICANT:** Walter Pezet

**ASSESSMENT DISTRICT:** 1st

**CASE NUMBER:** 2024-0159-V

**COUNCILMANIC DISTRICT:** 7th

**HEARING DATE:** January 7, 2025

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

**REQUEST**

The applicant is requesting a variance to allow a dwelling addition (deck) with less setbacks than required on property located at 524 Bay View Point Drive in Edgewater.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 8,150 square feet of land and is identified as Lot 13 of Parcel 147 in Block 22 on Tax Map 56 in the Cape Loch Haven subdivision and is zoned R5 - Residential District.

This is a waterfront property on the South River located within the Chesapeake Bay Critical Area with a designation of LDA - Limited Development Area. The site is mapped within the BMA - Buffer Modification Area and is currently improved with a single family detached dwelling and associated facilities.

**APPLICANT'S PROPOSAL**

The applicant seeks approval to replace the existing deck on the waterfront side (south side) of the existing dwelling with a new deck and steps for access. The applicant describes that the existing deck foundation/footers will not be altered.

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Zoning Code stipulates that principal structures in an R5 - Residential District shall be setback a minimum of 25 feet from the front lot line. The proposed deck comes as close as 14 feet from the front lot line, necessitating a variance of 11 feet.

**FINDINGS**

The applicant explains that the dwelling and deck were built in 1995 and that the proposed deck will be located 2 feet further from the front lot line than the existing deck. The existing critical area lot coverage of 4,000 square feet is more than the 31.25% allowed in the LDA with exact lot coverage calculations to be determined at the time of permit.

The **Health Department** commented that the proposed request does not adversely affect the well water supply system and has no objection to the request.

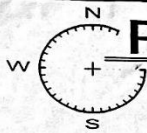
There is no evidence that the proposed variances would alter the essential character of the neighborhood or be detrimental to the public welfare. The variances would not appear to cause any adverse effects to neighboring properties and will not reduce forest cover in the LDA.

The deck appears to have existed in its current location since it was constructed in 1995 and is currently nonconforming with regard to the front lot line setback. This location within the setback makes any reconfiguration or improvements to the deck other than a replacement in-kind difficult without variance relief. As such, it appears that some relief is warranted to avoid practical difficulties to the applicant. While replacement in-kind could be accomplished without variance relief, the relocation of the steps and overall design of the new deck results in the structure being further from the front lot line than what currently exists. The proposed deck is in the same general location and is roughly the same size as the existing deck to be replaced and as indicated by the applicant, the footers and foundation will remain. As such, this Office can consider the variance to be the minimum necessary to afford relief in this case as the new deck improves the front setback situation.

### **RECOMMENDATION**

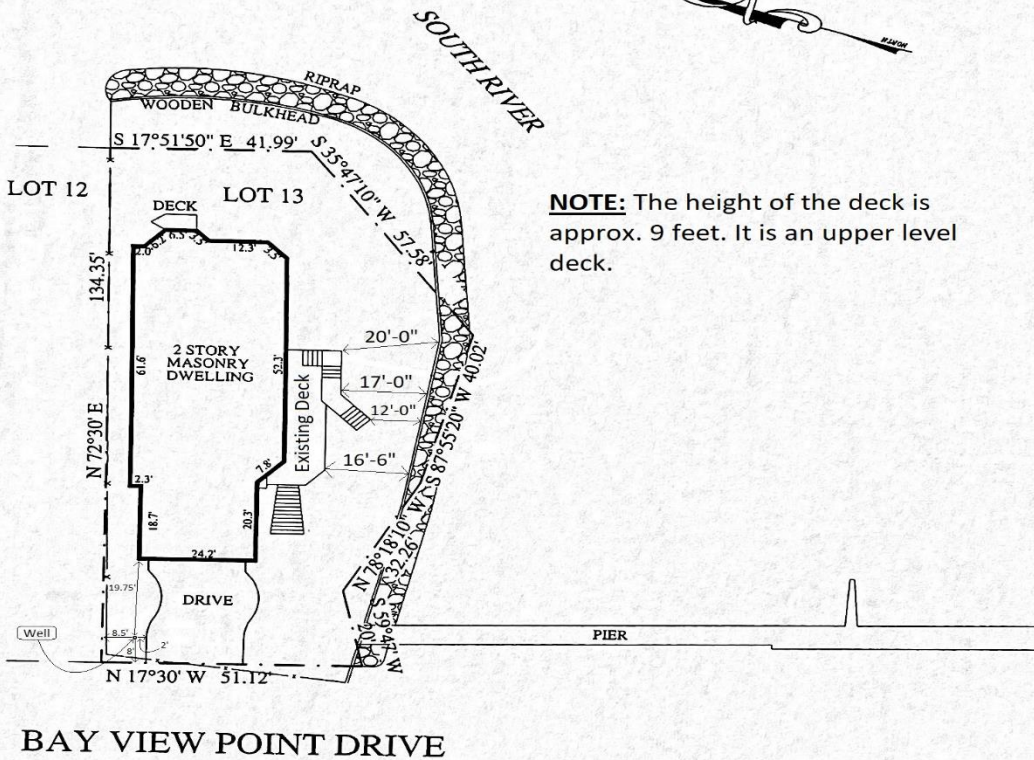
Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to §18-4-701 to allow construction of the deck as shown on the site plan.

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.



# Placek & Associates, Inc.

Engineers & Surveyors  
10319 CITATION WAY  
LAUREL, MD. 20723  
FAX 410-880-4762  
301-362-1031



**NOTE:** The height of the deck is approx. 9 feet. It is an upper level deck.

BAY VIEW POINT DRIVE



EXHIBIT "A" TO DEED

\* PROPERTY LINE SURVEY IS RECOMMENDED

### LOCATION DRAWING FOR: 524 BAY VIEW POINT DRIVE

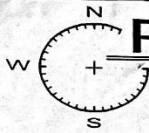
1. This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for transfer of title, securing financing, or refinancing.
4. A property line survey is necessary to determine the exact location of improvements and encroachments, if any.
5. Distances to property lines are accurate to within 1-foot, unless otherwise shown.
6. All fences shown hereon are approximately located.
7. No title report furnished.

**CERTIFICATION:**

This is to certify that the improvements indicated hereon are located as shown.

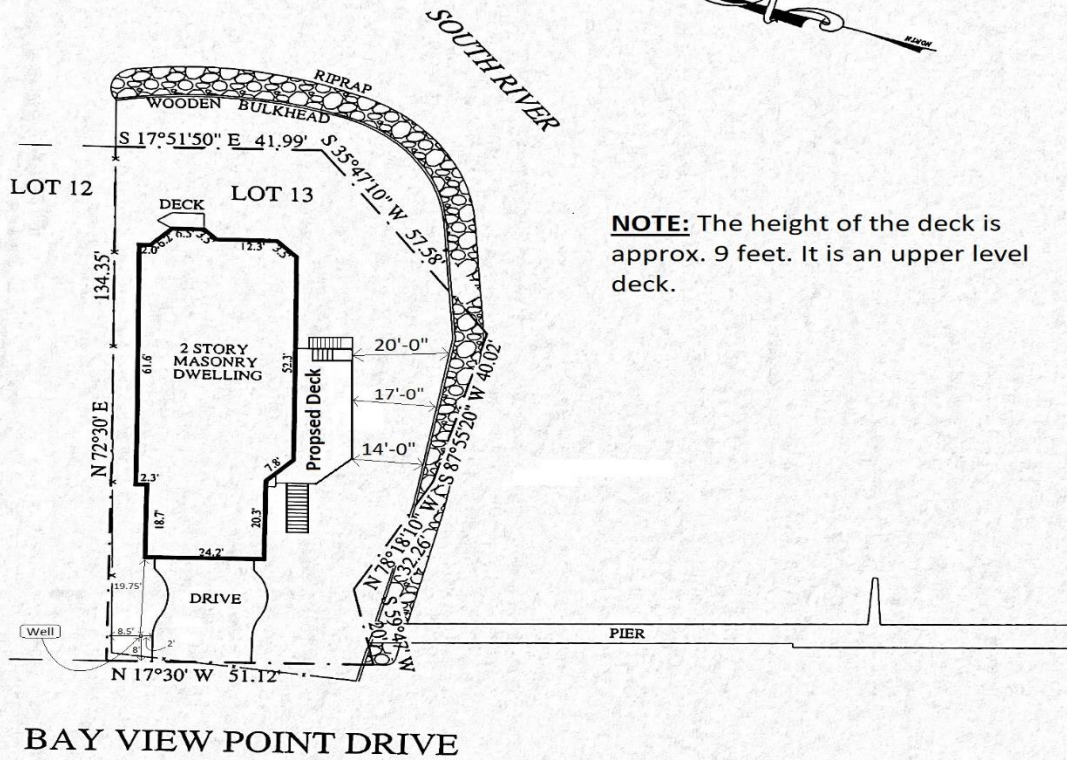
*Gerald A. Placek*  
Gerald A. Placek L.S. NO. 21259

LIBER	5365	FOLIO	898
LOT	13	BLOCK	Z
SECT.	2	PLAT	
SUBD.	CAPE LOCH HAVEN		
PLAT BOOK	22	FOLIO	15
COUNTY	ANNE ARUNDEL		
SCALE	1"=30'	CASE NO.	ITEN 1120
DATE	5/28/07	JOB NO.	SIM07-025



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301-382-1031



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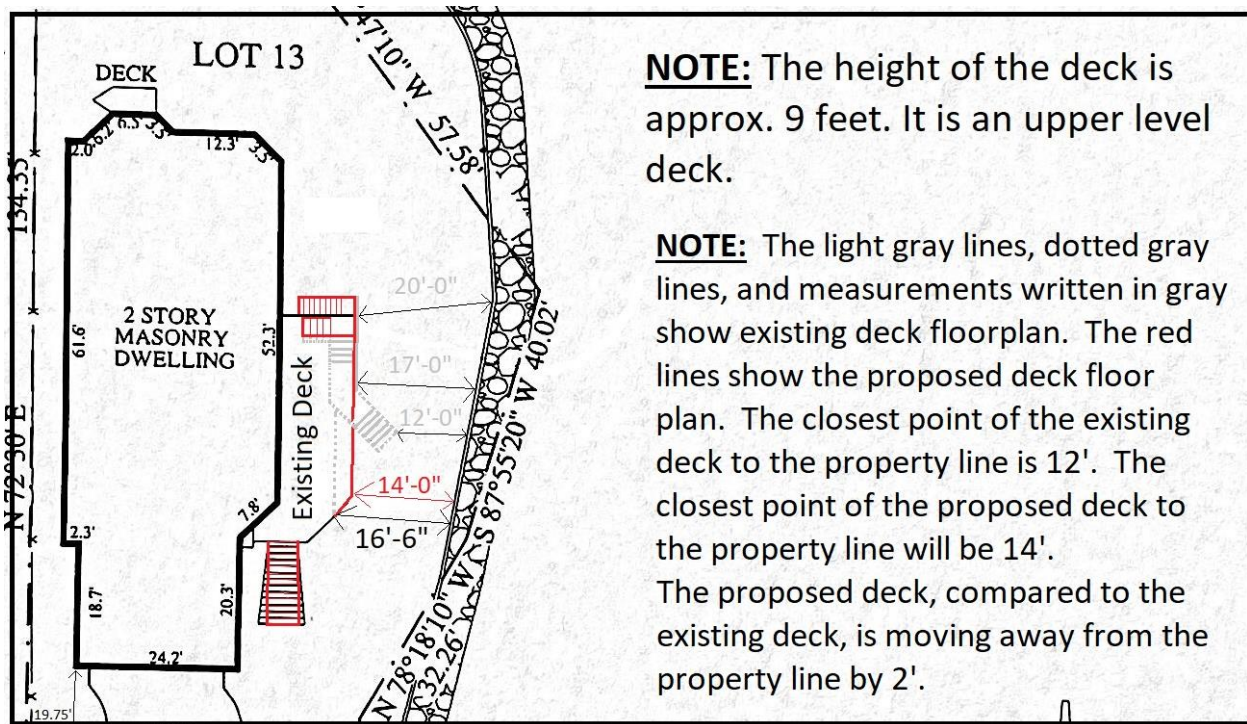
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To Whom it May Concern:

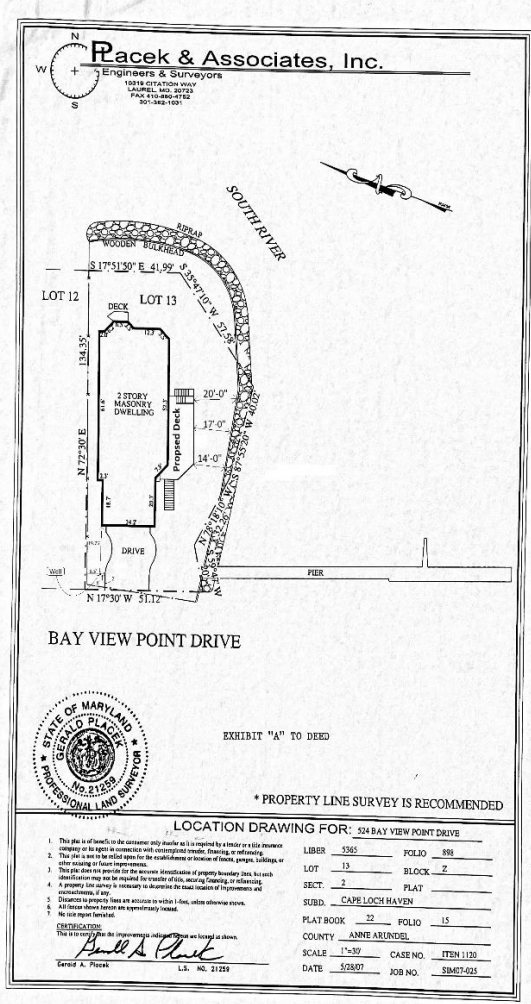
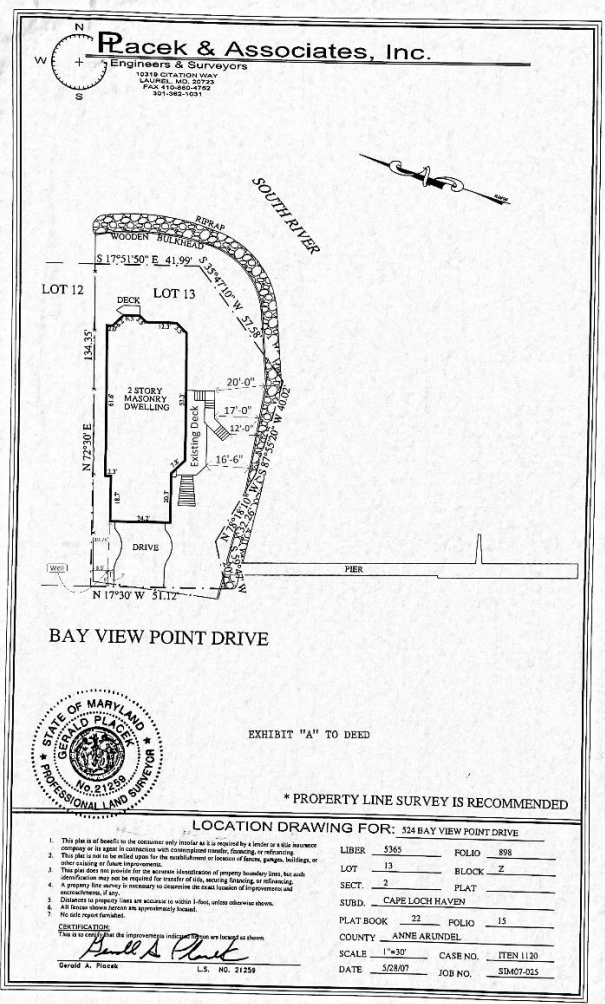
This is for the variance application to alter and update existing deck on property located at: 524 Bay View Point Dr., Edgewater, MD 21037. The foundation/footers of the existing deck will not be altered. The only change to the proposed deck is that the steps will be relocated. Existing house and deck was built in 1995. Below is an overlay of the existing and proposed site plan showing the deck alterations. The proposed deck, compared to the existing deck, is moving away from the property line by 2 feet. (See notes below).



**NOTE:** The height of the deck is approx. 9 feet. It is an upper level deck.

**NOTE:** The light gray lines, dotted gray lines, and measurements written in gray show existing deck floorplan. The red lines show the proposed deck floor plan. The closest point of the existing deck to the property line is 12'. The closest point of the proposed deck to the property line will be 14'. The proposed deck, compared to the existing deck, is moving away from the property line by 2'.

(See also below, Existing and Proposed site plans showing steps being relocated)



William M. Simmons, Esq.  
20 West Street Pezet/Daniels  
P.O. Box 2266 1174  
Annapolis, MD 21404

## SPECIAL WARRANTY DEED

THIS DEED made December 21, 2007, by and between **Robert Iten and Pamela Iten**, Grantors of Anne Arundel County, Maryland, and **Walter A. Pezet and Fae Daniels**, Grantees.

WITNESSETH, That in consideration of the sum of \$1,710,000.00, Grantors do hereby grant and convey unto Walter A. Pezet and Fae Daniels, in fee simple, all that lot or parcel of land situate, lying and being in the First Taxing District of Anne Arundel County, Maryland, and being more particularly described as follows:

Lot Numbered Thirteen (13) in Block "Z" as shown on a certain plat of Cape Loch Haven, made by J.R. McCrone, Jr., May 30, 1950, which plat is recorded among the Plat Records of Anne Arundel County, Maryland, at Plat Book 22 at Page 15, formerly in Cabinet 3, Rod F-9, Plat #1.

TOGETHER WITH AND SUBJECT TO the terms of a Grant of Easement and Declaration re: waterfront, dated November 27, 1950 and recorded among the Land Records of Anne Arundel County in Liber 607, folio 426.

ALSO TOGETHER WITH all of Grantors' right, title, and interest in the bulkhead, pier, and fence, and all land between the property described above and the bulkhead, all as shown on the survey attached as Exhibit A, which property, bulkhead, pier and fence have been solely used, maintained, and occupied openly and under a claim of right by the Grantors and their predecessors in title during their ownership of the subject property without interference or objection by any other person.

Being the same property conveyed to Robert Iten and Pamela Iten by a Deed recorded among the Land Records of Anne Arundel County in Liber 19151, folio 547.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

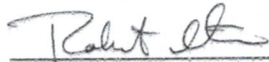
TO HAVE AND TO HOLD the said described lot of ground and premises to

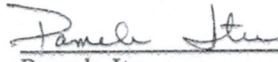
Walter A. Pezet and Fae Daniels, Husband and Wife as Tenants by the Entirety, the survivor of them, the survivor's heirs, personal representatives and assigns in fee simple.

AND Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; they will warrant specially the property hereby conveyed; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantors.

Test:

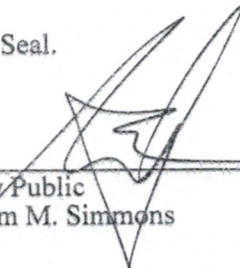
  
\_\_\_\_\_  
Robert Iten (SEAL)

\_\_\_\_\_  
  
Pamela Iten (SEAL)

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

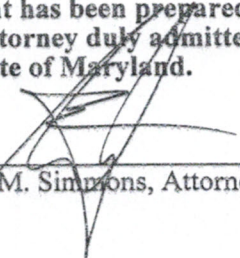
I HEREBY CERTIFY, That on December 21, 2007, before me, the Subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Robert Iten and Pamela Iten, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act and deed, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

  
\_\_\_\_\_  
Notary Public  
William M. Simmons

My Commission Expires: 11/01/10

**This is to certify that the within instrument has been prepared under the supervision of William M. Simmons, an attorney duly admitted to practice law before the Court of Appeals of the State of Maryland.**

  
\_\_\_\_\_  
William M. Simmons, Attorney

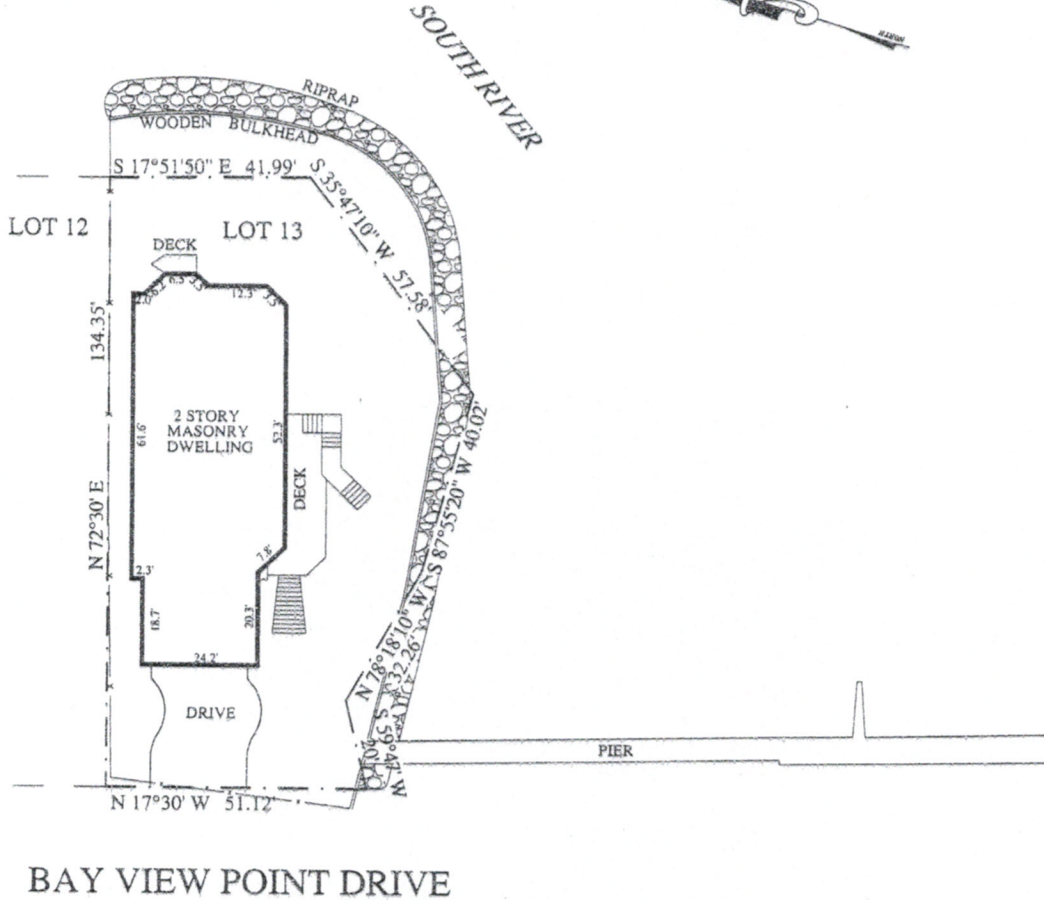




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10319 CITATION WAY  
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## BAY VIEW POINT DRIVE



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*Gerald A. Placek*  
Gerald A. Placek L.S. NO. 21259

LIBER 5365 FOLIO 898  
 LOT 13 BLOCK Z  
 SECT. 2 PLAT  
 SUBD. CAPE LOCH HAVEN  
 PLAT BOOK 22 FOLIO 15  
 COUNTY ANNE ARUNDEL  
 SCALE 1"=30' CASE NO. ITEN 1120  
 DATE 5/28/07 JOB NO. SIM07-025

CRITICAL AREA COMMISSION  
 CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: Anne Arundel County

Date: 10-1-24

Tax Map #	Parcel #	Block #	Lot #	Section
	0147	Z	13	2

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
General Project Information

Tax ID: 05440400

Project Name (site name, subdivision name, or other) Deck alterations

Project location/Address 524 Bay View point dr.

City Edgewater Zip 21037

Local case number

Applicant: Last name Kiraz First name Berge

Company Kiraz Construction LLC

**Application Type (check all that apply):**

- |                           |                          |                   |                                     |
|---------------------------|--------------------------|-------------------|-------------------------------------|
| Building Permit           | <input type="checkbox"/> | Variance          | <input checked="" type="checkbox"/> |
| Buffer Management Plan    | <input type="checkbox"/> | Rezoning          | <input type="checkbox"/>            |
| Conditional Use           | <input type="checkbox"/> | Site Plan         | <input type="checkbox"/>            |
| Consistency Report        | <input type="checkbox"/> | Special Exception | <input type="checkbox"/>            |
| Disturbance > 5,000 sq ft | <input type="checkbox"/> | Subdivision       | <input type="checkbox"/>            |
| Grading Permit            | <input type="checkbox"/> | Other             | <input type="checkbox"/>            |

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Remodel existing deck (update deck) and relocate one set of stairs.

Intra-Family Transfer  Yes  
 Grandfathered Lot

Growth Allocation  Yes  
 Buffer Exemption Area

**Project Type (check all that apply)**

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft
IDA Area		
LDA Area		8150
RCA Area		
Total Area		8150

Total Disturbed Area  Acres  Sq Ft

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		4000
Created Forest/Woodland/Trees			New Lot Coverage		0
Removed Forest/Woodland/Trees			Removed Lot Coverage		0
			Total Lot Coverage		4000

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer   
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

Structure

Acc. Structure Addition   
 Barn   
 Deck   
 Dwelling   
 Dwelling Addition   
 Garage   
 Gazebo   
 Patio   
 Pool   
 Shed   
 Other

The property is slightly sloped. The area where the deck is located is sloped approximately 1 degree. Silt fence will be installed before any work is done.

# Topographic Map - Lot outline ref only not exact



## Legend

Foundation

Parcels



Elevation

Topo 2020

— Index

— Intermediate

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0 50 100  
ft

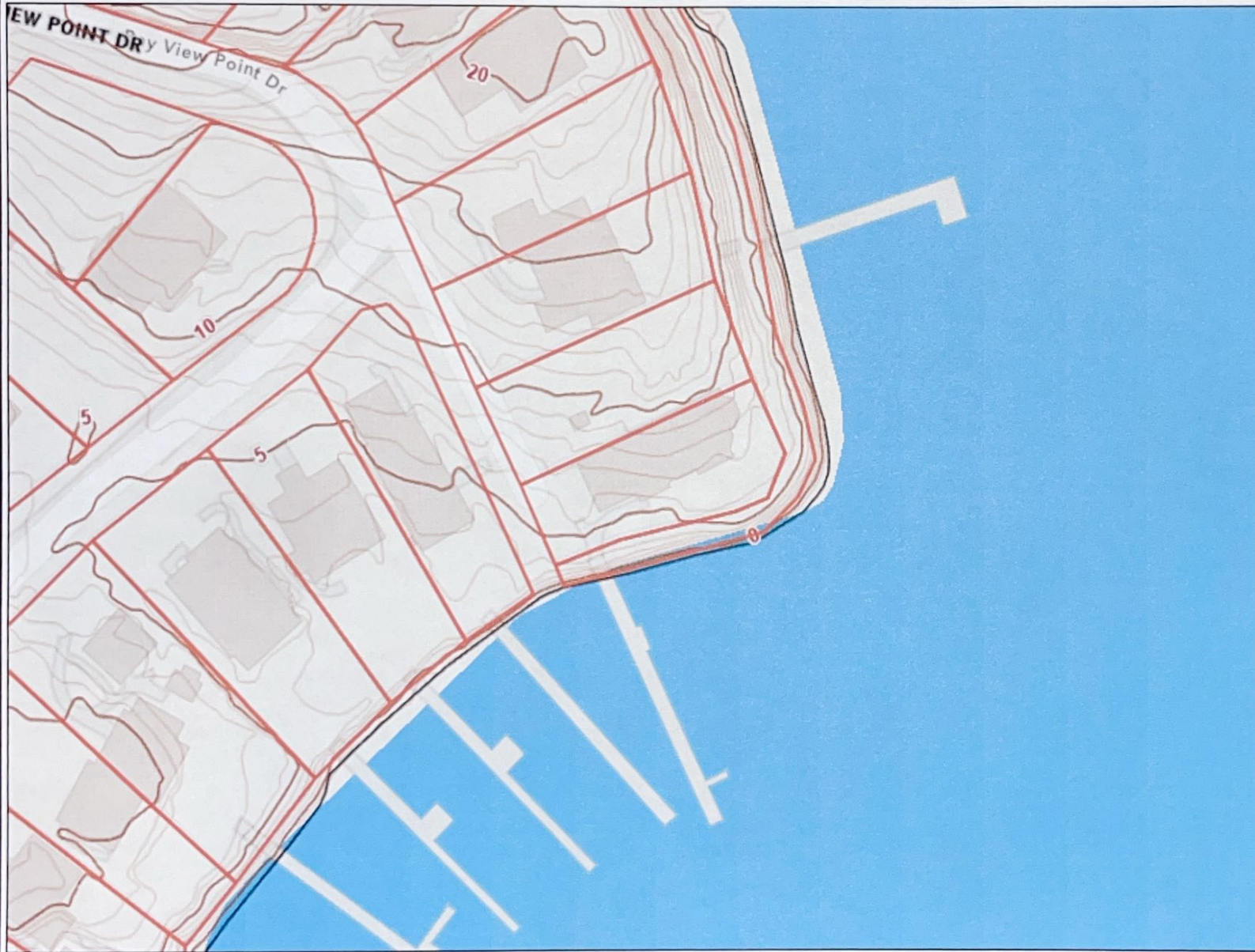
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TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes 1" = 50' - lot outline ref only

# Topographic Map - Lot outline ref only not exact



## Legend

Foundation

Parcels



Elevation

Topo 2020

— Index

— Intermediate

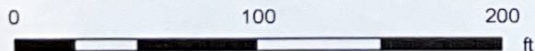


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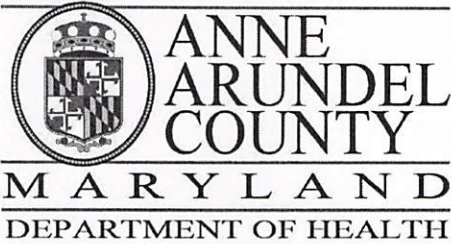
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OpenStreetMap, Microsoft, Esri,  
TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA.



THIS MAP IS NOT TO BE  
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Notes 1" = 100' - lot outline ref only



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: October 21, 2024

RE: Walter A. Pezet  
524 Bay View Point Drive  
Edgewater, MD 21037

NUMBER: 2024-0159-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) 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 system. 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

# Map Title



## Legend

### Foundation

#### Addressing



#### Parcels



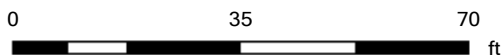
#### Parcels - Annapolis City



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none

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