

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


**APPLICANT:** John Wallop

**ASSESSMENT DISTRICT:** 3rd

**CASE NUMBER:** 2024-0203-V

**COUNCILMANIC DISTRICT:** 5th

**HEARING DATE:** January 21, 2025

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

**REQUEST**

The applicant is requesting a variance to allow a pier and pilings with less setbacks than required on property located at 213 Winchester Beach Drive in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The site consists of approximately 19,558 square feet of land and is identified as Lot 53R of Parcel 1 in Block 5 on Tax Map 45 in the Winchester On The Severn subdivision. The subject property is zoned R2 - Residential District and is improved with a single family dwelling and associated facilities.

This is a waterfront property on the Severn River which lies entirely within the Chesapeake Bay Critical Area, and is designated as LDA - Limited Development Area. The site is mapped within a BMA - Buffer Modification Area.

**APPLICANT'S PROPOSAL**

The applicant is proposing to construct a pier measuring 6' X 48' with a triangular shaped platform for a total length of 68'. Also proposed are two mooring pilings on the east side of the proposed pier. No pier currently exists on the property.

**REQUESTED VARIANCES**

§ 18-2-404(b) of the Anne Arundel County Zoning Code stipulates that a private pier or mooring piling shall be located at least 15 feet from a lot line extended. The proposed pier will be located as close as 0 feet from the westerly extended lot line, necessitating a variance of 15 feet. The two proposed mooring pilings will be located as close as 0 feet from the easterly extended lot line, necessitating variances of 15 feet for each piling.

§ 18-2-404(c) of the Anne Arundel County Zoning Code dictates how far a pier or mooring piling may extend into the water. In this case the applicable method is point of cove so the pier or mooring pilings may not extend further than one-half the distance from the mean high-water line to the center point of a cove or 45 feet. The proposed pier and pilings extend 68 feet to the point of cove, necessitating a variance of 23 feet. The exact distance and amount of variance will be determined by the Critical Area team at the time of permit.

## **FINDINGS**

The applicant describes that the property lines narrow at the waterfront resulting in a very narrow water area for a pier. They argue that the proposal is the minimum necessary as they are only proposing a pier with two mooring pilings and that the platform is 5 square feet smaller than the maximum allowed.

The **Health Department** commented that they have no objection to the request as the proposal does not adversely affect the on-site sewage disposal system.

The **Development Division (Critical Area Team)** commented that the proposed site plan submitted under this variance has been reviewed for property line extensions and setbacks. The property line extensions are drawn correctly based on the information provided and form a point-of-cove. The variance requested should include a variance for exceeding the allowable half distance to the point-of-cove. The Critical Area section of OPZ does not object to the variances requested.

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 narrow nature of the waterfront area leaves little room for the construction of a pier without relief from the Code. As such, some relief is warranted to allow the applicant to make use of the water area and avoid unwarranted hardship and practical difficulties.

While some relief is warranted, the proposal does not appear to be the minimum necessary. The applicant has proposed a pier with an almost full size platform and two mooring pilings that will come within 1 foot of the neighboring mooring pilings to the west. It appears that a straight pier with no platform could be constructed that would still allow the proposed location of the mooring pilings to work while leaving more separation from the aforementioned mooring pilings. Given this alternative and the close proximity to those mooring pilings, this Office does not consider this configuration to represent the minimum necessary to afford relief. While a platform may be desirable, the limited waterfront area of the site dictates that some features may have to be omitted when constructing a pier.

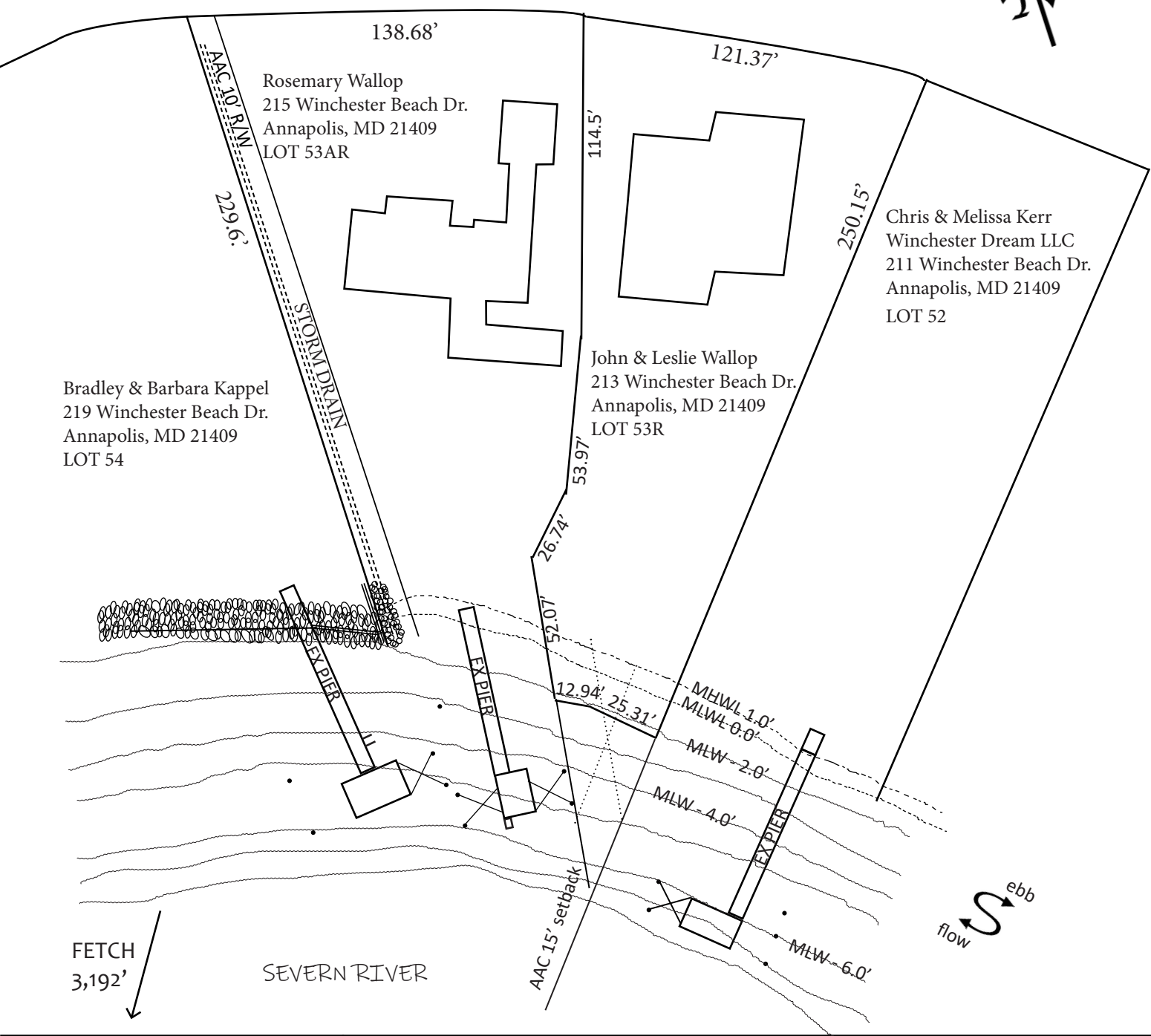
Piers with slips and associated mooring pilings are a common feature of waterfront properties and the neighborhood contains several piers in the area, some of which appear to be nonconforming with regard to setbacks. Therefore, the proposed variances will not alter the essential character of the neighborhood and will not be detrimental to the public welfare. However there is concern that the location on the extended lot line and being only 1 foot from the westerly adjoining property's mooring pilings could impair the use of the westerly adjacent property, including navigability.

## **RECOMMENDATION**


Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *denial* of variances to §18-2-404 (b) for the construction of the pier and pilings as shown on the site plan.

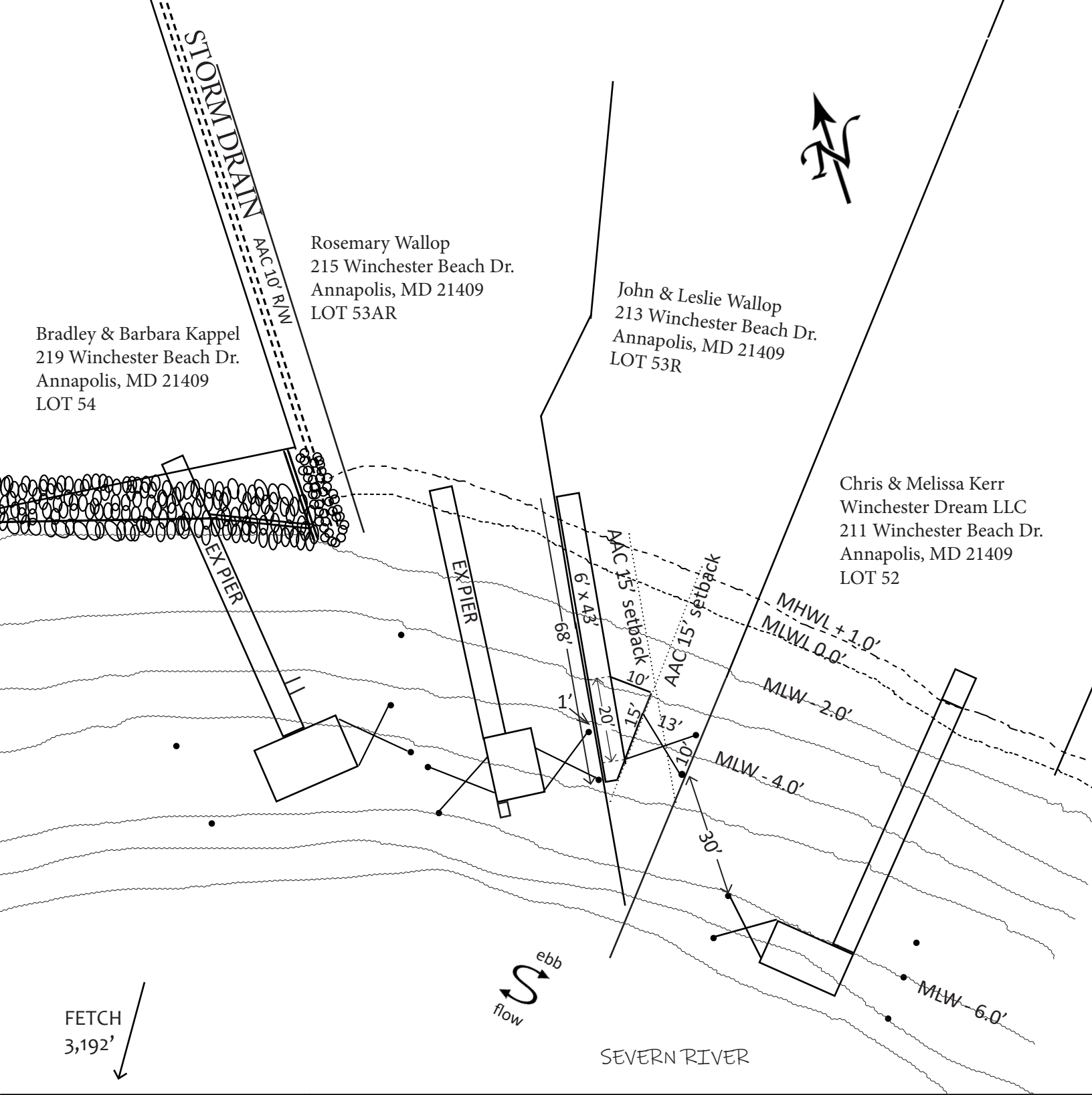
2024-0203-V

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.



NOTES: No mapped SAV are present. All construction is by water access. All pile measurements are center to center.	This plan is for permit use only by RKN Marine Permits & Services. All measurements, water depths, extended property lines, and setbacks are approximate. For precise property boundary measurements, owner should conduct a boundary survey.
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<b>FOR PERMIT USE ONLY BY:</b>  <b>RKN</b> Marine Permits & Services 1160 Indian Landing Road Millersville, MD 21108 renee.norris@comcast.net 410-923-0262	<b>OWNER/APPLICANT:</b> JOHN & LESLIE WALLOP 213 Winchester Beach Drive Annapolis, MD 21409 Severn River/AAC - B02414300 REVISED 1/3/2025 3909-3239-4460	<b>PROPOSED CONSTRUCTION:</b> Install 6' x 48' pier and 10' x 15' x 20' triangle platform (195 SF). Total length = 68'. Install 2 boat lift piles for a 10' x 13' boat lift (8K). Variance requested: 15' on both sides of the property
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PAGE 10 OF 12

SCALE 1" = 30'

PROPOSED CONSTRUCTION - DETAIL

NOTES: No mapped SAV are present.  
 All construction is by water access.  
 All pile measurements are center to center.

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 For precise property boundary measurements, owner should conduct a boundary survey.

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**Marine Permits & Services**  
 1160 Indian Landing Road  
 Millersville, MD 21108  
 renee.norris@rknmarinepermits.com  
 410-923-0262

**OWNER/APPLICANT:**

JOHN & LESLIE WALLOP  
 213 Winchester Beach Drive  
 Annapolis, MD 21409  
 Severn River/AAC - B02414300  
 REVISED 1/3/2025  
 3909-3239-4460

**PROPOSED CONSTRUCTION:**

Install 6' x 48' pier and 10' x 15' x 20' triangle platform (195 SF). Total length = 68'.  
 Install 2 boat lift piles for a 10' x 13' boat lift (8K).  
 Variance requested:  
 15' on both sides of the property

LETTER OF EXPLANATION  
AAC Variance Application  
OWNER: John & Leslie Wallop (Doug & Ann)  
213 Winchester Beach Drive, Annapolis, MD 21409  
1/3/2025

Property Information: Parcel 01, Block 05, Lot 53R, Map 45, Subdivision – Winchester on the Severn. Zoned R2 Residential District. The waterfront lot is located on the Severn River. Chesapeake Bay Critical Area – Limited Development Area (LDA).

Existing Conditions: The property boundaries narrow at the waterfront. There is no existing pier. The existing boat lift and piles, owned by Rosemary Wallop, 215 Winchester Beach Drive, angle in front of this property. The extended property line to the East was drawn using the method, Extension of the Last Course of the Lot Line. The extended property line to the West was drawn using the method, Generally Parallel with Existing Piers (215 Winchester Beach Drive) and not running through existing structures.

Proposed Construction: Install 6' x 48' pier and 10' x 15' x 20' triangle platform (195 SF). Total length = 68'. Install 2 boat lift piles for a 10' x 13' boat lift (8K).

Variance Requested: A variance of 15' is requested on both sides of the property.

Adjacent Property Owners:

Rosemary Wallop – 215 Winchester Beach Drive, Annapolis, MD 21409 (West)  
Chris & Melissa Kerr – 211 Winchester Beach Drive, Annapolis, MD 21409 (East)

Justification:

- The extended property lines narrow at the waterfront, extending channelward.
- Rosemary Wallop's existing pier, pilings, and boat lift angle toward Doug & Ann Wallop's property, crossing in front of the property.
- Between the angled pier at 215 Winchester Beach Drive, and the approved extended property line between 213 Winchester Beach Drive and 211 Winchester Beach Drive, the buildable water area becomes a triangle, with limited space.
- Currently, most of the piers along the shoreline in both directions have at least one boat lift and/or a platform.
- Therefore, the homeowner is asking for the minimum necessary to afford relief – one 6' wide pier, 195 SF platform, and two boat lift piles. In fact, the platform will be 5 SF smaller than the maximum allowed.

Impact to Neighbors:

- The proposed pier will be located 1 foot away from the boat lift pile at 215 Winchester Beach Drive.
- The proposed channelward boat lift pile will be located 30 feet away from the existing boat lift at 211 Winchester Beach Drive.

Critical Area Report: This is a residential property. All but 10' of the proposed pier will be channelward of MHWL. Therefore, minimal land disturbance will occur. No trees or shrubs will be removed. Impact on water quality and habitat – N/A. The Impervious surface will increase by 60 SF after proposed construction. There are no wildlife habitats of local significance.

1/31/2012 01:38 PM Csh 0002 Reg 0002

T/Ref 0002048591  
01 - Recordation Tax Division  
\$0.00

Validation Number: 0002-048723

Brilliant Title Corporation  
File No. 12-0536R  
Tax ID # 3-909-3239-589  
NO CONSIDERATION

**This Deed**, made this 26th day of January, 2012, by and between JOHN DOUGLASS WALLOP, GRANTOR, and JOHN DOUGLASS WALLOP and LESLIE A. WALLOP, GRANTEEES.

- Witnesseth -

That for and in consideration of love and affection between husband and wife and the actual sum of Zero and No/100 Dollars (\$.00), the Grantor hereby transfers, conveys, and quitclaim to the said JOHN DOUGLASS WALLOP and LESLIE A. WALLOP, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

BEING known and designated as Lot No. 53-R, containing 0.446 Ac ±, as shown on a Plat entitled, "Plat 1 of 1, \*Administrative Plat, Winchester-on-the-Severn, Section 1, Lot 53-A and Pt. of Lot 53", which plat is recorded among the Plat Records of Anne Arundel County in plat Book No. 166, page 29, plat #8863.

BEING the same property which by Deed dated May 27, 2011, and recorded among the Land Records of Anne Arundel County in Liber 23591, folio 0001 was granted and conveyed by William H. Wallop and Rosemary N. Wallop unto John Douglass Wallop.

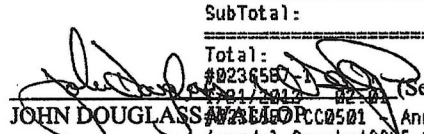
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said JOHN DOUGLASS WALLOP and LESLIE A. WALLOP, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

And the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant (warrant) the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS: 

  
JOHN DOUGLASS WALLOP  
Anne Arundel County/CC0501 -  
Register 08 14

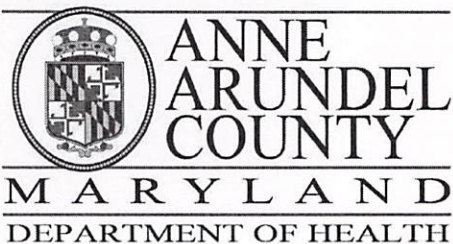
Recording Fee 20.00  
Grantor/Grantee Name: Wallop  
LR - Deed (No-Taxes)  
Surcharge 40.00  
LR - Additional Recording  
Above written. 0.00  
SubTotal: 60.00  
Total: 175.00  
#023650  
01/31/12 02:01 (Seal)  
02-ME  
02-01  
Anne  
Arundel County/CC0501 -  
Register 08 14

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 24269, p. 0495, MSA\_CE59\_24733. Date available 02/06/2012. Printed 05/14/2022.

2012 JAN 31 P 2:48

RECEIVED BY RECORDS  
COURT CLERK A.A. COUNTY

ACCT. 3909-3239-4460  
PAID AS  
1/31/12 A.A. COUNTY



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 "FROM:" line.

DATE: November 13, 2024

RE: John D. Wallop  
213 Winchester Beach Drive  
Annapolis, MD 21409

NUMBER: 2024-0203-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 on-site sewage disposal system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal 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



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# 2024-0203-V

Menu Cancel Help

Task Details OPZ Critical Area Team

**Assigned Date**

11/06/2024

**Assigned to**

Melanie Mathews

**Current Status**

Complete w/ Comments

**Action By**

Melanie Mathews

**Comments**

The proposed site plan submitted under this variance has been reviewed for property line extensions and setbacks. The property line extensions are drawn correctly based on the information provided and form a point-of-cove. The variances requested should include a variance for exceeding the allowable half distance to the point of cove. The critical area section of OPZ does not object to the variances requested.

**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**

11/27/2024

**Assigned to Department**

OPZ Critical Area

**Status Date**

01/06/2025

**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**

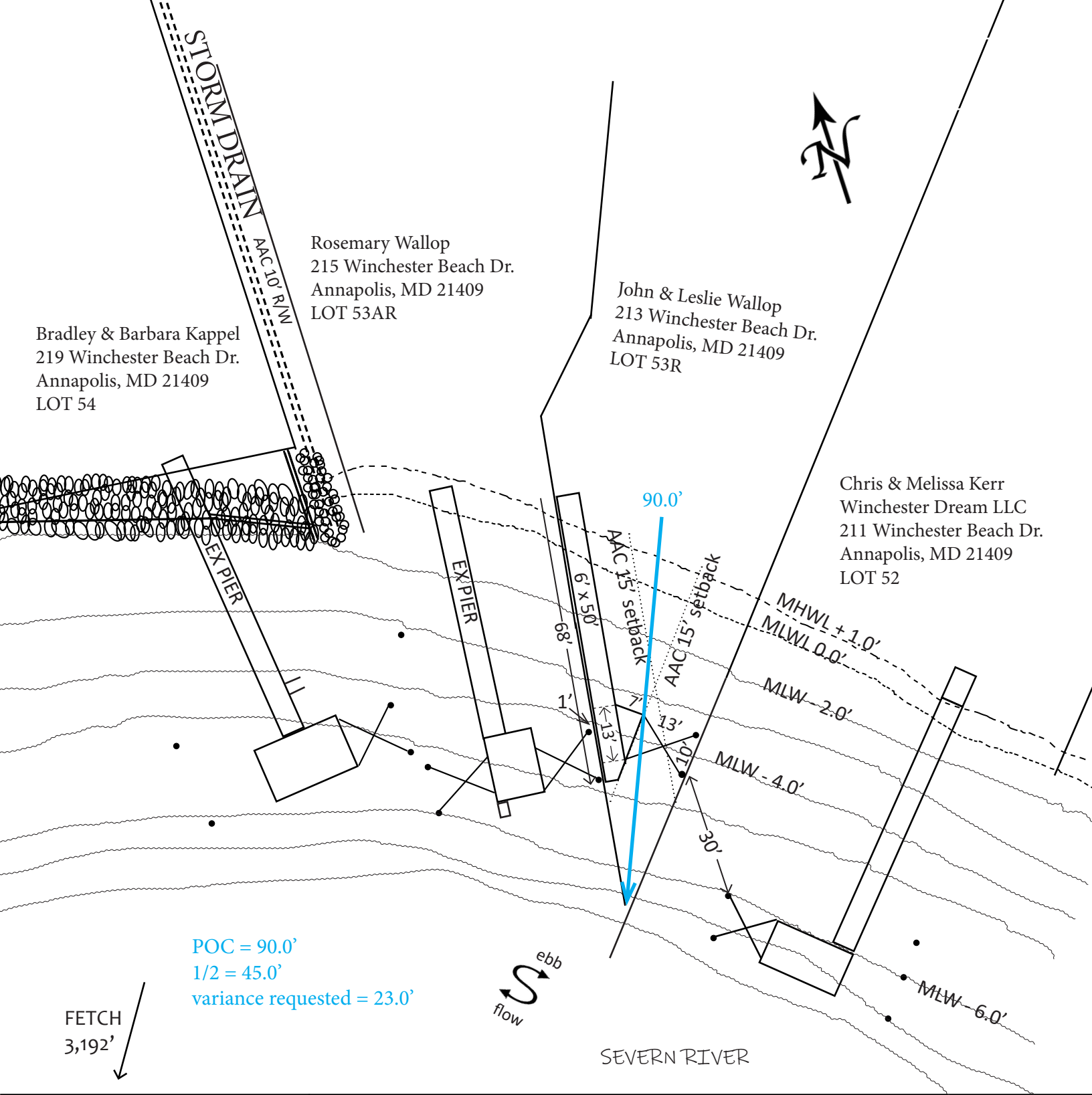
Melanie Mathews

**Reviewer Phone Number**

410-222-6136

**Reviewer Email**

PZMATH20@aacounty.org



POC = 90.0'  
 1/2 = 45.0'  
 variance requested = 23.0'

FETCH  
 3,192'

ebb  
 flow

SEVERN RIVER

NOTES: No mapped SAV are present.      This plan is for permit use only by RKN Marine Permits & Services.  
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**PROPOSED CONSTRUCTION:**  
 Install 6' x 55' pier and 7' x 10' x 13' triangle platform (113 SF). Total length = 68'.  
 Install 2 boat lift piles for a 10' x 13' boat lift (8K).  
 Variance requested:  
 15' on both sides of the property

# Map Title



## Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 50 100  
ft

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.

DO NOT USE FOR NAVIGATION.

none



## Notes