

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

**APPLICANT:** Marguerite and Marc Laurent

**ASSESSMENT DISTRICT:** 7

**CASE NUMBER:** 2024-0224-V

**COUNCIL DISTRICT:** 7

**HEARING DATE:** February 25, 2025

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located on 1208 Griner Lane in Shady Side.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 6,534 square feet of land, with Griner Lane splitting it into two parts. It is identified as Lots 3 and 3A in the Wagners Point subdivision, Parcel 607 in Grid 3 of Tax Map 69. The waterfront property, with shoreline on the West River to the north and shoreline on Cedar Creek to the south, is zoned R2 - Residential District, is located entirely within the Chesapeake Bay Critical Area LDA - Limited Development Area and RCA - Resource Conservation Area, and is mapped as a Buffer Modification Area (BMA). The property is currently improved with a two-story single-family dwelling, shed, pier, and other associated facilities, and is served by well water and public septic.

**PROPOSAL**

The applicant seeks approval for an extension in time for the implementation and completion of a previously approved variance (2023-0055-V) to replace the existing pier on the southern shore with a new pier (a 3' x 10' walkway, a 3' x 4.5' pier section, a 6' x 16.74' pier section, a 17' x 11.76' platform and 4 lift piles, two of which are attached to the platform).

**REQUESTED VARIANCE**

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance stipulates that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within 18 months of approval.

The previous variance (2023-0055-V) was approved by the Administrative Hearing Officer on June 8, 2023 with an expiry date of December 9, 2024<sup>1</sup>. The applicant is now requesting a

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<sup>1</sup> Per § 1-1-103(1), the last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

variance to allow an extension in time in order to obtain a building permit while maintaining the previous approval.

### **FINDINGS**

This application for an extension in time was made December 6, 2024, prior to the expiration of the previous variance approval.

The property is the subject of a building violation (B-2022-363), pertaining to the construction of a shed and deck, and a zoning violation (Z-2022-0988), pertaining to the keeping of chickens on a lot of less than 10,000 square feet.

Building permit B02416246, to install a pier, platform, and walkway on the northern shore and a pier, finger pier, and two piles on the southern shore, was submitted on March 15, 2023. This permit is being held pending resolution of the violations.

Variance request 2024-0021-V, to perfect the replacement of an existing shed with a larger shed, was denied on July 2, 2024.

Building permit B02416255, to remove and replace a shed, was issued on November 22, 2024 to abate B-2022-363.

The applicants' letter explains that the permit for the pier cannot be issued until the building violation for the shed is resolved. Failure to obtain a variance to retain the larger shed delayed the permitting process. Because they were unable to resolve the violation prior to the expiry of the previous variance approval, a time extension is required.

There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

For the granting of a time extension variance, a determination must be made as to whether the applicant diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicant delaying the permitting process. It appears that the applicants had diligently pursued their permits, however, attempts to cure the violation have delayed the permit for the pier. There is no evidence that the applicant deliberately delayed the process. As such, this Office supports the variance request for a time extension.

### **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 §18-16-405(a) to allow an 18 month extension in time for the implementation and completion of a previously approved variance.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.



Kinley R. Bray ✦ 443-569-5974 ✦ kbray@yvslaw.com

December 6, 2024

Ms. Sterling Seay  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, Third Floor  
Annapolis, MD 21401

Re: Applicants: Marguerite and Marc Laurent  
Property: 1208 Griner Lane, Shady Side, MD 20764  
Tax ID: 07-850-05063800  
Tax Map 69, Grid 3, Parcels 607  
**Letter of Explanation in Support of a Time Extension for Variance 2023-0055-V**

Dear Ms. Seay:

We represent Marguerite and Marc Laurent (“Applicants”), the owner of the property known as 1208 Griner Lane, Shady Side, MD, identified as Parcel 607 in Grid 3 on Tax Map 69 (the “Property”). We are filing the enclosed variance application pursuant to § 18-16-405(c) of the Anne Arundel County Code (the “Code”) for the purpose of requesting an extension of time of six (6) months to obtain a building permit for the pier approved in Case No. 2023-0055-V.

In 2023, the Applicants submitted an application for a permit to construct a private residential pier. In reviewing that permit, Anne Arundel County advised that a variance was required. Accordingly, the Applicants sought a variance to allow a private residential pier that is not accessory to a dwelling unit on the property. On June 8, 2023 the Administrative Hearing Officer granted the variance, which was conditioned on complying with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, the Critical Area Commission, the Maryland Department of the Environment, and/or the United States Army Corps of Engineers. The pending pier permit, B02416246 (the “Pier Permit”), proceeded to review.

While the Applicant initially expected to obtain the Pier Permit prior to the expiration of the variance by operation of law pursuant to § 18-16-405(a), the Pier Permit is currently subject to a hold at the Department of Inspections and Permits. This hold relates to a notice of violation for unauthorized work on a shed on the Subject Property. It is the position of the Department of Inspections and Permits that the Pier Permit cannot be issued until these violations are resolved, and while the Applicants are in the process of doing so, final resolution is not expected until February of 2025. As background, we offer the following history:

In 2022, the Applicants replaced an existing shed with a larger shed, only to realize after two notices of violation (B-2022-363 and Z-2022-988) and a stop work order that they needed a permit to do so. The Applicants then submitted an application for an Accessory Structure Permit (Permit B02416255) to replace the existing shed (the “Shed Permit”), but were instructed shortly

thereafter that they needed a variance to complete the project. That variance, in case 2024-0021-V, was ultimately denied on July 2, 2024. The Applicants timely appealed to the Board of Appeals.

Following that denial, the Applicants resolved the outstanding violation by revising the application for the Shed Permit to reduce the size and relocate the shed outside of the buffer. The revised Shed Permit was approved and issued on November 22, 2024, and therefore the Applicants are preparing to withdraw their appeal. In the meantime, however, a hold on the property—and the Pier Permit—still exists pending a final inspection on the work under the Shed Permit. A minimum of 60 days is necessary to prepare the new shed location, move the shed, and conduct the final inspection. When that final inspection is complete, the County will release the hold on the Pier Permit and the Applicant will have “obtained” the permit as required to vest the variance granted in 2023-0055-V.

The hold on the Property and Pier Permit has severely impacted the Applicants’ ability to obtain a building permit for the pier and begin construction within 18 months from the granting of the variance. Without a time extension, the variance approval will expire on December 8, 2024. Despite good faith efforts by the Applicants to obtain necessary approvals, the inability to obtain a building permit for the pier before the completion of the relocation of the shed on the same parcel necessitates an extension of time pursuant to § 18-16-405(c). While we expect this work to be completed within 60 days, we are respectfully requesting an additional 6-month extension of time to obtain a building permit to ensure all work by the Applicants and inspections by the County can be completed prior to expiration.

Despite the challenges and delays, the Applicants have shown good faith effort to move this project forward. If the time extension of 6 months (from 18 to 24 months) is granted, the Applicants will be able to secure the necessary building permit to construct the pier within such extension.

Thank you for your consideration of this matter. I look forward to receiving your response and may be reached via telephone at 443-569-5974, should you have any questions.

Very truly yours,

YVS LAW, LLC



Kinley R. Bray