

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

APPLICANT: Kristopher Kramer

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0099-V

COUNCIL DISTRICT: 6th

HEARING DATE: August 1, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow a pier and pilings with less setbacks than required at 1228 Washington Drive in the subdivision of Oyster Harbor, Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 50 feet of road frontage on the east side of Washington Drive, 120 feet south of Louis Avenue and is 8,485 square feet in area. These lands are identified on Tax Map 57, Grid 21, as Lot 54, Block 5 in Parcel 8. The property has been zoned R2-Residential District since the adoption of the zoning maps for the Sixth Council District effective October 7, 2011.

This is a waterfront lot located on Oyster Creek and is located in the Chesapeake Bay Critical Area. These lands are designated "LDA-Limited Development Area". The shoreline of the property is located in a designated buffer modification area.

The subject property is currently developed with a single-family detached dwelling with a front attached open deck with steps down to a patio. There is an existing six-foot wide, 60 foot long pier that begins to taper to a point approximately 45 feet from the shoreline. The subject pier has no mooring pilings or lift piles.

APPLICANT'S PROPOSAL

The applicant is proposing to extend the width of the pier to six feet where it currently tapers into a point and extend the overall length of the pier by 10 feet. The applicant proposes to install two mooring pilings on the south side of the expanded pier.

REQUESTED VARIANCE(S)

Section 18-2-404 (b) of the Anne Arundel County Code requires that a pier or mooring piling be located at least 15 feet from a lot line extended for a private pier. The applicant has proposed two pilings 0 feet from the south extended property lines and expanding the pier as close as three feet to the north extended property line necessitating variances of 15 feet for each piling and a variance of 12 feet for the expanded pier..

FINDINGS

The subject property is substandard with respect to both the minimum lot width (46 feet vs. the required 80 feet) and lot area (8,485 square feet) vs. the required 15,000 square feet) for a lot served by public sewer in an R2 District. Typically, docking and mooring facilities require 50 feet of frontage on the water to provide for a six-foot wide pier and a 14-foot wide boat lift set back 15 feet from the extended side property lines. The subject property has only 33 feet of frontage at the mean high water. The application also relates to the use of an existing facility where adjustments are sought. These conditions do create a practical difficulty in complying with the Code requirements for the location of a pier and mooring pilings.

The variances to the extended side lot line setback provide for a single, modest 12-foot wide lift. The proposed development is not considered to be excessive and has been located in a manner to provide for the minimum variances necessary to afford relief.

Approval of the variances will provide for development that is generally consistent with other properties and will not therefore alter the essential character of the area. The facility has been located in a manner that it is expected it will have no negative effect on navigation to both north or south abutting properties. The variances will not result in development that would be contrary to acceptable clearing and replanting practices, reduce forest cover in the Limited Development Area or be detrimental to the public welfare.

Agency Comments

The **Development Division - Critical Area Team** advised that the requested variance meets all requirements of 18-16-305(a) and 18-16-305(c). The Critical Area Team has no objections to the variance request.

The **Anne Arundel County Department of Health** advised they have reviewed the well water supply system for the property and determined that the request will not not adversely affect the system. The Health Department has no objection to the request.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305, under which a variance may be granted this Office recommends the request for variances be **approved** as shown on the attached 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.