

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

APPLICANT: Kenneth J. Sheehan

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0017-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: April 3, 2025

PREPARED BY: Joan A. Jenkins
Planner III



REQUEST

The applicant is requesting variances to allow boatlift pilings (3) with less setbacks than required on property located at 39 McPherson Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 79,950 square feet of land, more or less, and is located with road frontage on the northeast side of McPherson, southeast of Riverview Avenue and water frontage on Weems Creek. The property is identified as Lot 12 on Parcel 219, in Grid 20 on Tax Map 45F in the River View Manor subdivision. The property has been zoned R2-Residential District.

This lot is platted to Weems Creek, is within the Chesapeake Bay Critical Area designated primarily as LDA - Limited Development Area with a small area in the RCA - Resource Conservation Area, and is mapped within a buffer modification area.

The site is developed with a dwelling, a shed near the water, a two-story detached accessory structure, and a pier. The property is served by a private well and septic system.

PROPOSAL

The applicant proposes to add three (3) boat lift pilings to create a 15-foot wide slip for a boat lift on an existing pier.

REQUESTED VARIANCES

§ 18-2-404 (b) of the Code requires a pier or mooring piling be set back a minimum of fifteen feet from a lot line extended. Two boatlift pilings on the north side are proposed to be located 12 feet and 11 feet from the north property line extension and one boat lift piling is proposed to be located on the north side of the existing pier, but 6 feet from the south property line extension requiring variances of 3 feet, 4 feet and 9 feet, respectively.

FINDINGS

This Office finds that the subject property has approximately 56 feet of frontage at the water's edge. However, the property line extensions are drawn to a center of cove which creates a convergence of the property line extensions. As drawn, the existing pier is located at the southern property line extension and approximately one-third of the pier is within the southern 15-foot setback. Any expansion or additions to the pier beyond the existing platform would result in the need for a variance.

A review of the County aerial photo from 2024 shows that nearly all waterfront properties enjoy the use of a pier. Slips created by pilings are the norm with or without boat lifts. The applicant's pier is one of the shortest and does not include any pilings for mooring. The existing T-platform encroaches into the setback on the north side. The proposed boat lift pilings appear to be at approximately the same distance as the northern edge of the existing platform.

The applicant's letter indicates that the location in the cove severely reduces the buildable area. The variance is necessary to create a slip to safely store a boat.

The property was the subject of a prior variance case number 2011-0308-V which granted a critical area variance to disturb steep slopes to construct a dwelling and garage.

The **Anne Arundel County Department of Health** has reviewed the on-site sewage disposal and well water supply system for the property and has determined that the proposal does not affect these systems therefore they have no objection to the request.

The **Development Division (Critical Area Team)** commented that they have worked with the applicant to determine the point-of-cove for this project. There are no objections to the variance(s) 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 particular lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case the method of drawing the property line extension creates a narrow waterway for which to improve upon the existing pier..

Approval of the variances would not alter the essential character of the neighborhood. This proposed slip is slightly wider than customary, however, since the pilings are in-line with the edge of the platform the granting of the variance would not impair the appropriate use or development of the neighboring properties or navigation. The variances would not be detrimental to the public welfare.

The requested variances for the boat lift pilings would allow structure at approximately the same distance as the existing platform which has been a longstanding structure in this location. The boatlift pilings are creating a reasonable-sized boat lift. The variance can thereby be considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends **approval** of variances of six feet to allow three boatlift pilings located three feet and four feet from the north property line extended; and a variances of nine feet to allow a boat lift piling located six feet from the south property line extended 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.

$Q_1 + I_5$

10hix

cheerful

34. expression hd.

21401
21402

Schöller

10/11/21
Anand, Anand
1/3/21

10h14

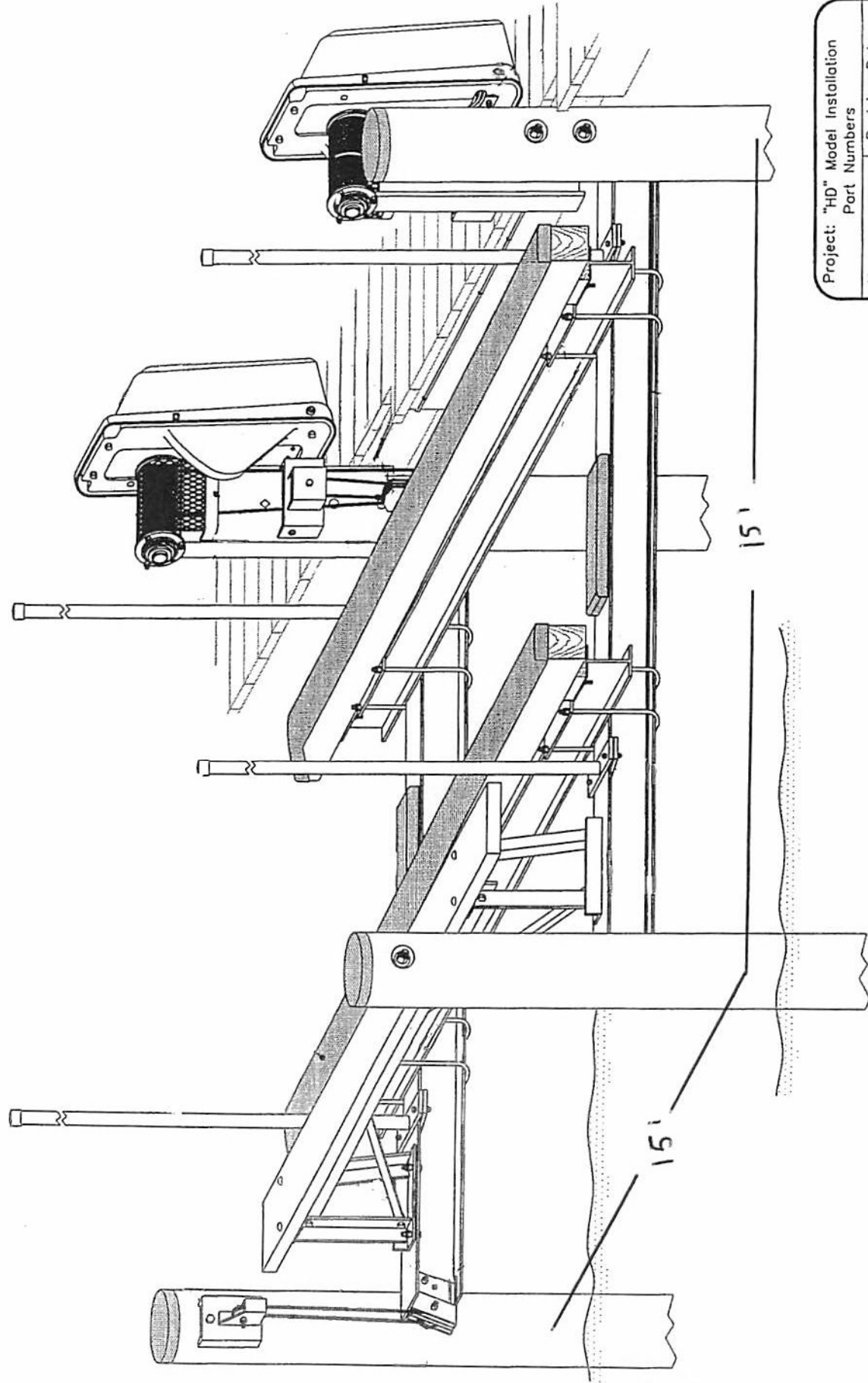
← Z

*1:40 scale

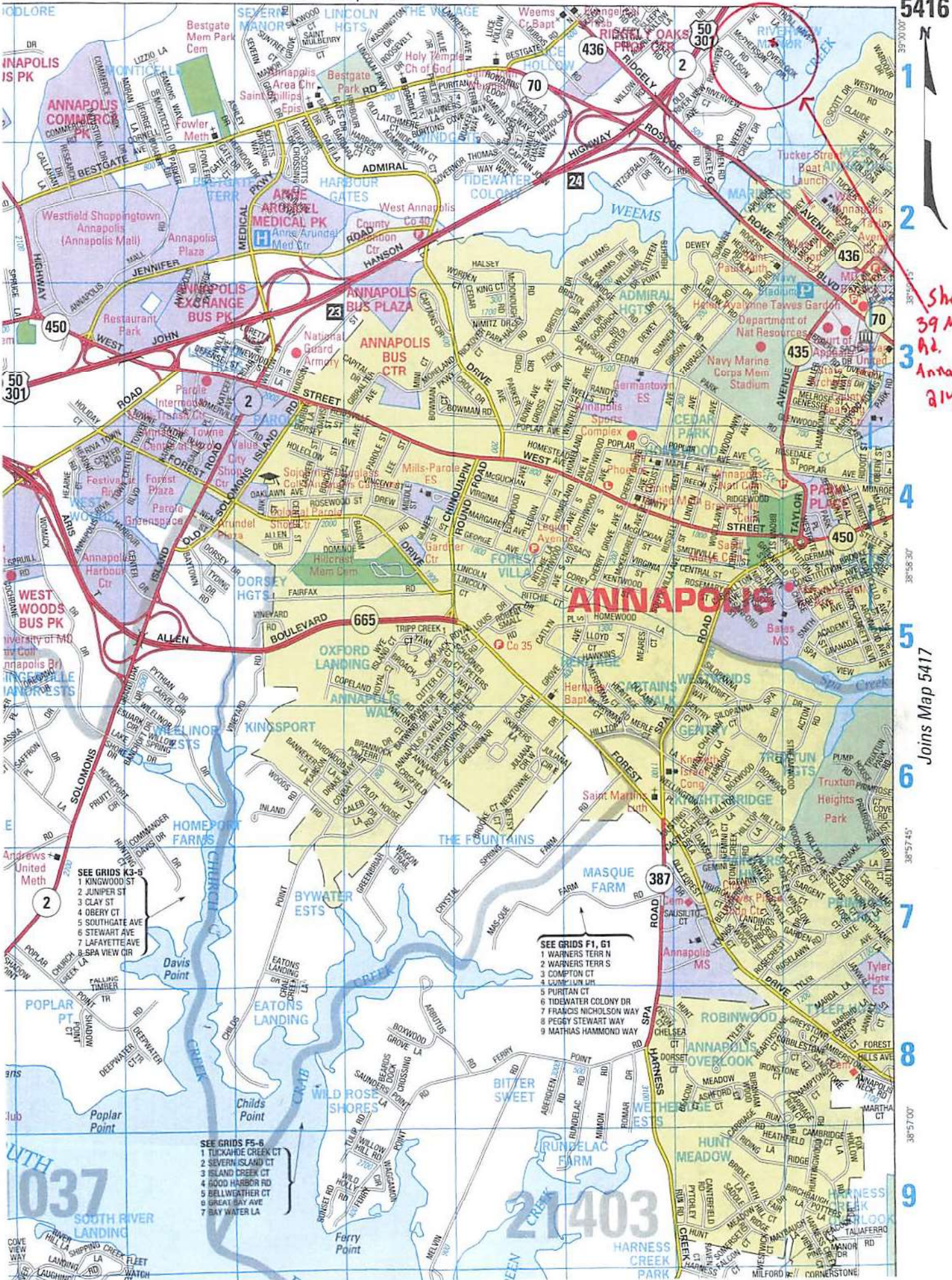
~ Weems Creek ~

GENERAL NOTES:

1. FOR LIST OF MATERIALS RELATED TO PART NUMBERS, SEE PARTS LIST.



Project: "HD" Model Installation			
Part Numbers			
No.: 002	Revision Date:		
Scale: None	Date: 02-22-01	Sheet: 1 of 1	



MAP 5416



1
2
3
4
5
6
7
8
9

Joins Map 5417

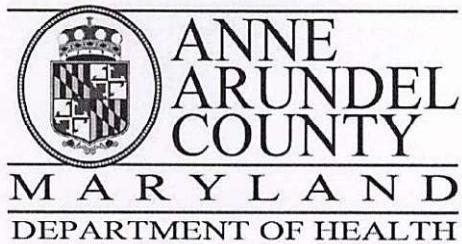
Shoehan
39 McPherson
Apt.
Annapolis, MD.
21401

SEE GRIDS K3-5
1 KINGWOOD ST
2 JUNIPER ST
3 CLAY ST
4 OBERY CT
5 SOUTHGATE AVE
6 STEWART AVE
7 LAFAYETTE AVE
8 SPA VIEW CIR

SEE GRIDS F1, G1
1 WARNERS TERR N
2 WARNERS TERR S
3 COMPTON CT
4 LUMPKIN LUM
5 PURITAN CT
6 TIDEWATER COLONY DR
7 FRANCIS NICHOLSON WAY
8 PEGGY STEWART WAY
9 MATHIAS HAMMOND WAY

SEE GRIDS F5-6
1 TUCKAHOE CREEK CT
2 SEVERN ISLAND CT
3 ISLAND CREEK CT
4 GOOD HARBOR RD
5 BELLWEATHER CT
6 GREAT BAY AVE
7 BAY WATER LA





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 *BC*
Bureau of Environmental Health

DATE: February 26, 2025

RE: Kenneth J. Sheehan
39 McPherson Road
Annapolis, MD 21401

NUMBER: 2025-0017-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow boat lift pilings with less setbacks than required..

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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

2025-0017-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

02/19/2025

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The Critical Area section of OPZ worked with the applicant to determine the point-of-cove for this project. There are no objections to the variance(s) 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

03/06/2025

Assigned to Department

OPZ Critical Area

Status Date

03/13/2025

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

Reviewer Phone Number

410-222-6136

Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

MELANIE MATHEWS



P0751
Lot 3

P0751

P 0333
Lot C

130

38

P0751
Lot 3

P 0566

P0219
Lot 7

49

2025-0017-V



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Streets



Planning

County Planning



none

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

Notes