

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

**APPLICANT:** Brook & Keith Wegner, Co-Trustees  
Wegner Family Revocable Trust

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2025-0032-V

**COUNCIL DISTRICT:** 6

**HEARING DATE:** April 22, 2025

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicants are seeking a variance to allow mooring pilings (2) with less setbacks than required on property located at 135 Island View Drive in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 14,856 square feet of land and is located with frontage on the south side of Island View Drive. It is identified as Lot 213R and Parcel B in Section F of the Cape Saint John subdivision, Parcel 76 in Grid 24 on Tax Map 50. The property is zoned R2 – Residential District. This waterfront lot on Gingerville Creek lies entirely within the Chesapeake Bay Critical Area with the majority in the IDA – Intensely Developed Area and a small portion at the waterfront in the RCA - Resource Conservation Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a two-story dwelling, a residential pier, and other associated improvements.

**PROPOSAL**

The applicants propose to install two (2) mooring pilings on the east side of the existing pier.

**REQUESTED VARIANCES**

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance provides that a private pier or mooring piling shall be located at least 15 feet from a lot line extended. The proposed mooring pilings will be as close as one (1) foot to the eastern side lot line extended, necessitating a variance of fourteen (14) feet for both pilings.

**FINDINGS**

The subject property is undersized for lots in the R2 District with regard to the minimum lot size of 15,000 square feet, for lots served by public sewer, and the minimum lot width of 80 feet. A review of the County aerial photography shows that most of the nearby waterfront lots in this cove contain piers, mooring pilings and other associated improvements. The site plan shows that the subject property has a boat lift installed on the western side of the existing pier.

Building permit B02407557, to construct a residential pier, was issued and subsequently closed following inspections on March 13, 2025.

The subject property and the adjacent property to the east (133 Island View Drive) have an Agreement (Book 40831, Page 260) which provides that piers on either property shall be no closer than 28 feet and that neither may object to mooring pilings or boat lifts on either side of the extended property line.

Variance 2025-0058-V, to allow a pier and pilings with less setbacks than required on property located at 133 Island View Drive (the adjacent neighbor to the east), was submitted on March 31, 2025. Its Administrative Site Plan uses the same point of cove to extend the shared side lot line and shows that the proposed boat lift pilings will be as close as one (1) foot from the extended lot line, directly adjacent to the subject mooring pilings. That application is pending additional information.

The applicant's letter explains that the extended property lines and setbacks form a narrow shape in the cove which restricts the available space for mooring boats, complicating access and use.

#### Agency Comments

The **Development Division (Critical Area Team)** noted that the site plan submitted under this variance is consistent with the site plan approved under building permit B02407557<sup>1</sup> for the residential pier, and that their Office has no objection.

The **Health Department** has no objection.

#### Variance Criteria

For the granting of a 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 other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the subject property has an irregular shoreline and all of the nearby piers angle toward the center of the cove. The resulting wedge-shaped buildable areas over the water creates a practical difficulty in accommodating slips along the piers. Although the applicants already have an existing slip with a boat lift on the west side of their pier, they devised the possibility of a second slip through the agreement with the neighbor on the east side of the pier. Based on the applicants' agreement with the impacted neighbor, the variance will not substantially impair the appropriate use or development of adjacent property, be detrimental to the public welfare, or impact the navigation or use and enjoyment of the adjacent waterfront lots. In addition, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located as piers with mooring pilings are a common amenity for waterfront lots, and the close proximity is normal for piers in a cove.

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<sup>1</sup> The Critical Area Team's comment contains a typo with transposed numbers, shown corrected above.

**RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the requested zoning variance to § 18-2-404(b) to allow two (2) mooring pilings with less setbacks than required, 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.

Zoning Division of the Office of Planning & Zoning  
Anne Arundel County  
Heritage Office Complex  
2664 Riva Road  
Annapolis, MD 21041  
Zoning Division - 410-222-7434

Letter of Explanation - Variance Request for 135 Island View Drive

Owner and Applicant: Keith and Brooke Wegner  
Site Address: 135 Island View Drive, Annapolis, MD 21401  
MAP 50, GRID 24, PARCEL 76  
LOT 213R, SUBDIVISION 154  
ZONED R2: CRITICAL AREA - IDA  
DISTRICT: 2  
TAX ID: 215490030205

Dear Planning and Zoning,

This letter details the requested variance from § 18-2-404(b) of the Anne Arundel County Zoning Ordinance, which states that a private pier or mooring piling must be located at least 14 feet from a lot line extended.

Keith and Brooke Wegner, owners of 135 Island View Drive, are requesting a zoning variance to install two mooring piles on the southeast side of the existing pier. Each mooring pile is proposed to be placed approximately inside the lot line extended, requiring a zoning variance of 14 feet for each. The project will not involve any land disturbance, as all construction will occur channelward of the Mean High Water Line (MHWL).

The 14,856 SF property features a two-story single-family home with a deck, patio, and an 11-foot access walkway leading to an existing angled pier measuring 6 feet by 75 feet with a 12-foot by 12-foot boat lift and two mooring piles.

The unique physical characteristics of Gingerville Creek present a significant challenge, as the extension of property lines and setback areas forms a distinct, narrow shape in the cove of the water. This configuration greatly restricts the available space for mooring boats, complicating access and use. The south side of our property features deeper water and a more straightforward navigation path compared to the north side. Additionally, the restrictive topography further limits the amount of usable waterfront. Given these constraints, the lot's distinctive conditions create a hardship that justifies relief from the code, particularly in a setting where natural shoreline limitations and safe docking access are key considerations.

The granting of the variance will not:

- Alter the essential character of the neighborhood or district in which the lot is located;
- Substantially impair the appropriate use or development of adjacent property;
- Reduce forest cover in the limited development and resource conservation areas of the critical area;
- Be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
- Be detrimental to the public welfare.

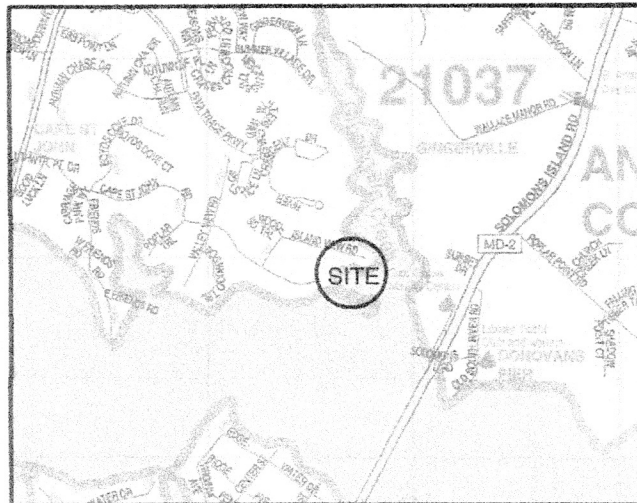
Thank you for your time and consideration.

Keith and Brooke Wegner

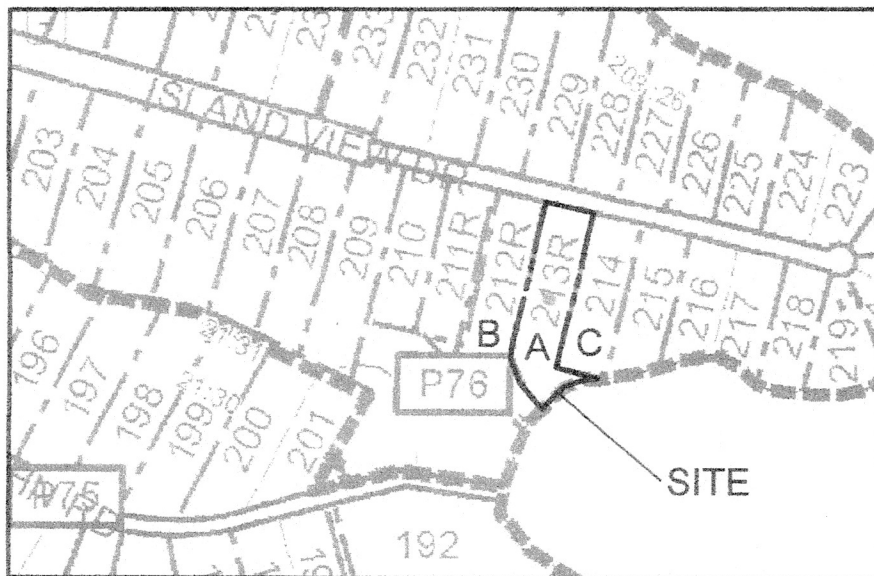
**A** APPLICANT = LOT 213R  
KEITH WEGNER AND BROOKE WEGNER  
135 ISLAND VIEW DRIVE  
ANNAPOLIS, MD 21401

**B** ADJACENT OWNER: LOT 212R  
SUSAN MILLMAN  
137 ISLAND VIEW DRIVE  
ANNAPOLIS, MD 21401

**C** ADJACENT OWNER: LOT 214  
CAROLYN BOLOGNESE  
133 ISLAND VIEW DRIVE  
ANNAPOLIS, MD 21401



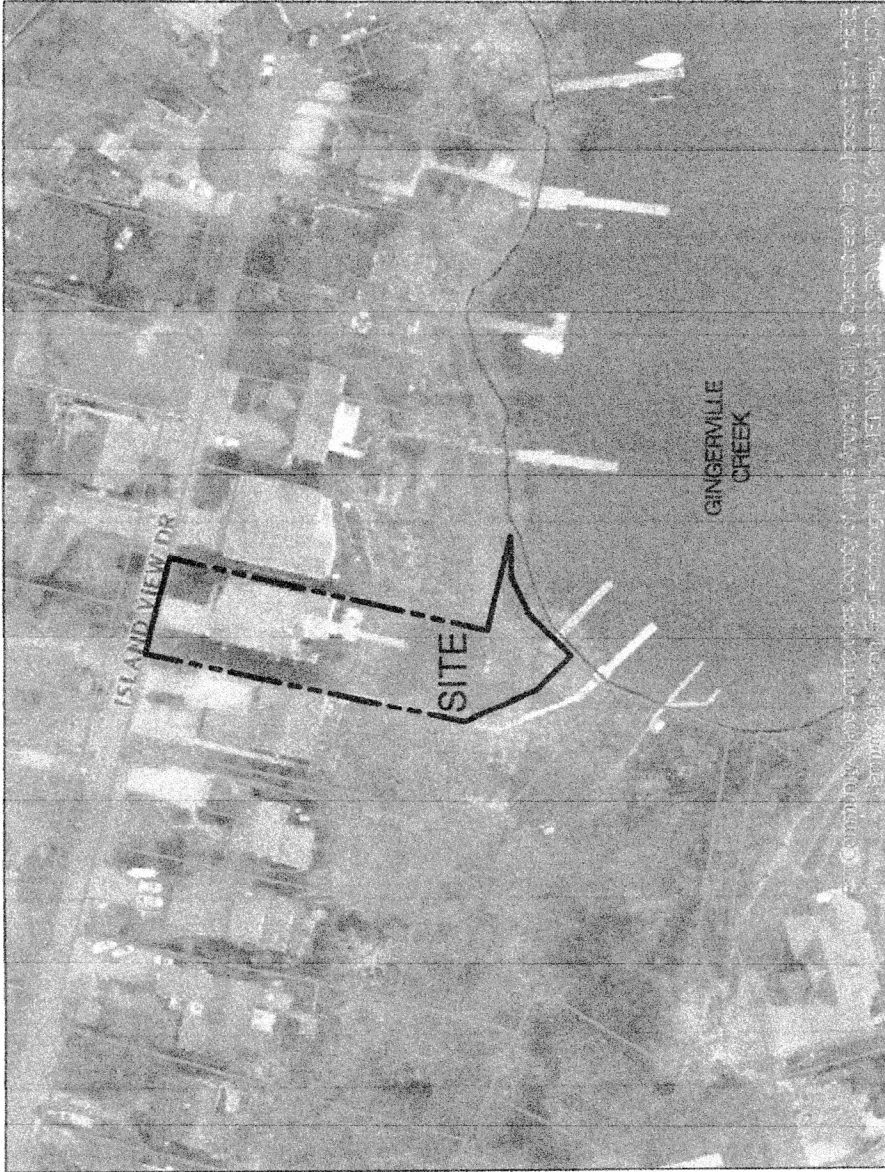
**VICINITY MAP**  
SCALE: 1" = 2666'



**TAX MAP**  
SCALE: 1" = 200'

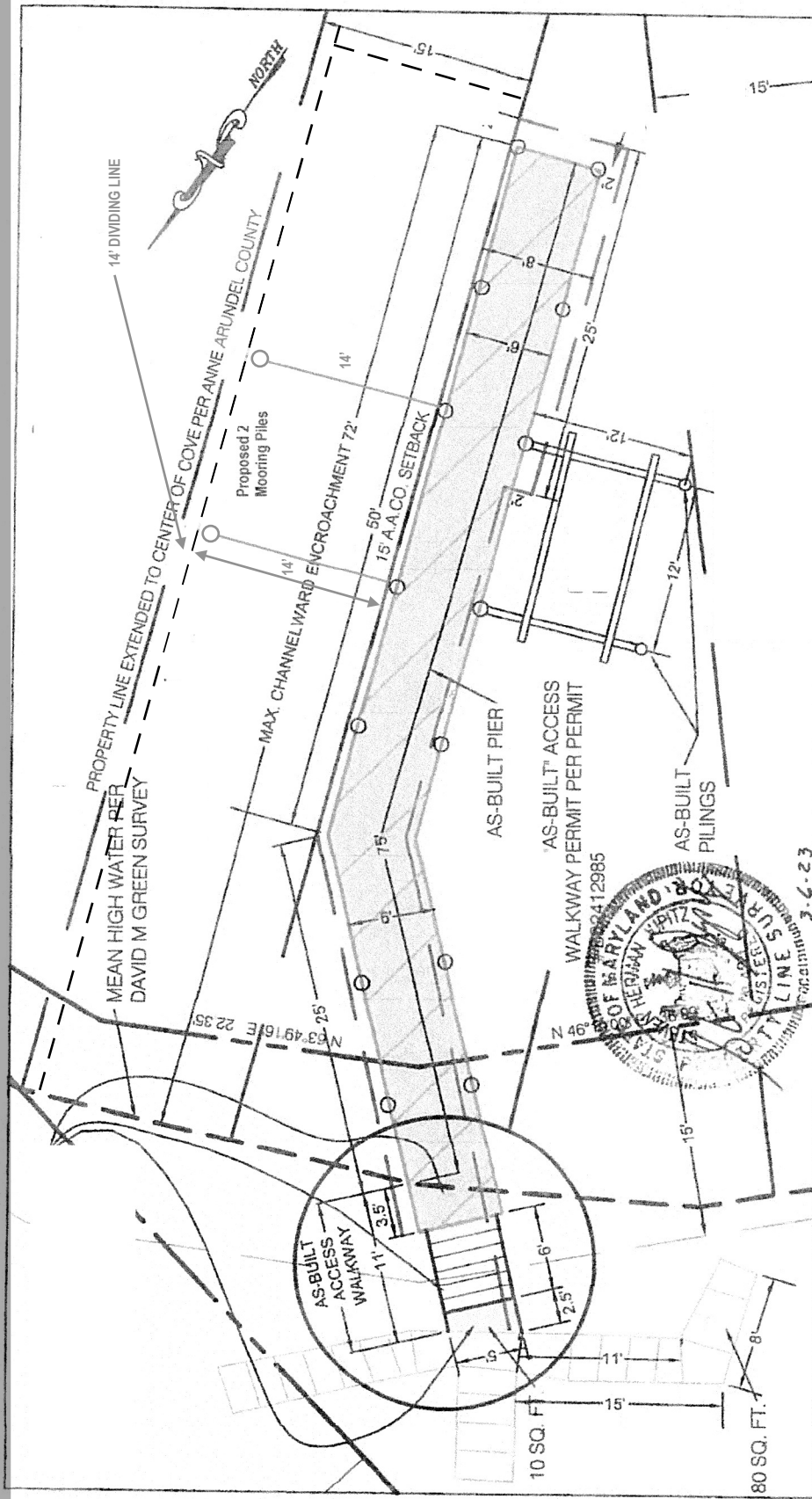
**DRAWING FOR PERMIT PURPOSES ONLY**

<p>OWNER: KEITH WEGNER &amp; BROOKE WEGNER MAILING ADDRESS: 135 ISLAND VIEW DRIVE ANNAPOLIS, MD 21401 SITE ADDRESS: 135 ISLAND VIEW DRIVE ANNAPOLIS, MD 21401</p>	<p>MAP: 50 GRID: 24 PARCEL: 76 LOT 213R SUBDIVISION: 154 DEED REFERENCE: 34803/00361 DISTRICT: 2 TAX ACCT. #2154 9003 0205 ZONING: R2 CRITICAL AREA - IDA</p>	<p><b>MAPS</b></p>
		<p><b>LOCATION</b> IN: GINGERVILLE CREEK TOWN: ANNAPOLIS COUNTY: ANNE ARUNDEL STATE: MARYLAND</p>



**AERIAL MAP**  
SCALE: 1" = 100'

DRAWING FOR PERMIT PURPOSES ONLY		OWNER: KEITH WEGNER & BROOKE WEGNER MAILING ADDRESS: 135 ISLAND VIEW DRIVE ANNAPOLIS, MD 21401 SITE ADDRESS: 135 ISLAND VIEW DRIVE ANNAPOLIS, MD 21401	
	LOCATION	IN: GINGERVILLE CREEK TOWN: ANNAPOLIS COUNTY: ANNE ARUNDEL STATE: MARYLAND	MAP: 50 GRID: 24 PARCEL: 76 LOT 213R SUBDIVISION: 154 DEED REFERENCE: 3480300361 DISTRICT: 2 TAX ACCT: #2154 9003 0205 ZONING: R2 CRITICAL AREA - IDA



# DRAWING FOR PERMIT PURPOSES ONLY

OWNER: KEITH WEGNER & BROOKE WEGNER  
 MAILING ADDRESS: 135 ISLAND VIEW DRIVE  
 ANNAPOLIS, MD 21401  
 SITE ADDRESS: 135 ISLAND VIEW DRIVE  
 ANNAPOLIS, MD 21401

PROPOSED WORK:  
 TWO MOORING PILES FOR BOAT LIFT  
 TO BE INSTALLED INSIDE THE 14 FOOT DIVIDING LINE  
 EVERYTHING ELSE PICTURED AS-BUILT

LOCATION  
 IN: GINGERVILLE CREEK  
 TOWN: ANNAPOLIS  
 COUNTY: ANNE ARUNDEL  
 STATE: MARYLAND

MAP: 50 GRID: 24 PARCEL: 76  
 LOT 213R SUBDIVISION: 154  
 DEED REFERENCE: 34803/00361  
 DISTRICT: 2 TAX ACCT. #2154 9003 0205  
 ZONING: R2 CRITICAL AREA - IDA



Anne Arundel Cty Cir Crt	
IMP FD SURE	\$40.00
RECORDING FEE	\$20.00
TOTAL	\$60.00
SAP CGC	
Oct 23, 2024	11:02 am

### **AMENDMENT TO 1981 AGREEMENT**

THIS AMENDMENT is made on this 10 day of October, 2024, by and between the WEGNER FAMILY REVOCABLE TRUST (hereinafter collectively "Wegner Trust") and CAROLYN BOLOGNESE (hereinafter "Bolognese").

### **EXPLANATORY STATEMENT**

WHEREAS, the Wegner Family Revocable Trust is the owner of all that Property described and known as: 135 Island View Drive Annapolis MD 21401; Tax Account No. 02 154 90030205; Deed Reference: Book 34803, page 361; Lot 213R Plat of Cape St. John PB 0084/0023 (hereinafter the "Wegner Property" or "Lot 213R"); and

WHEREAS, Carolyn Bolognese is the owner of all that Property described and known as: 133 Island View Drive Annapolis MD 21401; Tax No. 02 154 10424400; Deed Reference: Book 30809 page 080 Lot 214 Plat of Cape St. John PB 0021/0031 (hereinafter the "Bolognese Property" or "Lot 214R"); and

WHEREAS, Brooke and Keith Wegner (Co-Trustees of the Wegner Family Revocable Trust) and Caroyln Bolognese have settled litigation in the Circuit Court for Anne Arundel County Case No. C-02-CV-23-001829. The Settlement Agreement provides for the execution of an Amendment to a 1981 Agreement as set forth herein.

WHEREAS, the Settlement Agreement and this Amendment involve an Agreement dated September 29, 1981, and recorded on February 1, 1982, at Book 3469 page 890 in the Land Records for Anne Arundel County and an Amendment to 1981 Agreement signed by the Brooke and Keith Wegner and Carolyn Bolognese and recorded on August 10, 2023, at Book 19851, Page 48 in the Land Records for Anne Arundel County (hereinafter jointly referred to as the "1981 Agreement").

NOW THEREFORE WITNESETH, this Amendment to 1981 Agreement, that in consideration of Ten Dollars (\$10.00) and the Settlement of Case No. C-02-CV-23-001829, and the foregoing Explanatory Statement, which shall be deemed of substance and a part of this Declaration, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto hereby declare that the 1981 Agreement is amended as follows:

1. The 1981 Agreement is hereby terminated in its entirety.

WITNESS the hands and seals of the parties hereto as of the day and year first above written.

Witness:

[Signature]

[Signature] (Seal)  
Brooke Wegner, Co-Trustee of the Wegner  
Family Revocable Trust

[Signature]

[Signature] (Seal)  
Keith Wegner, Co-Trustee of the Wegner  
Family Revocable Trust

[Signature]

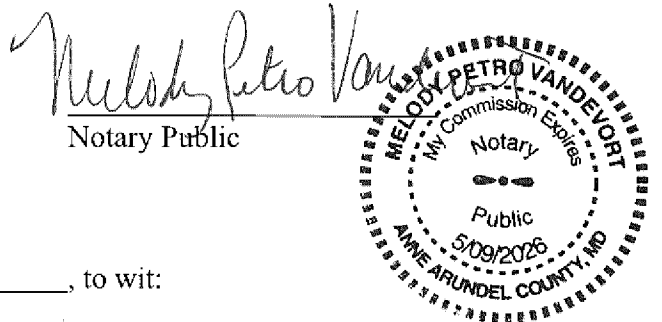
[Signature] (Seal)  
Carolyn Bolognese

State of Maryland, County of Anne Arundel, to wit:

I HEREBY CERTIFY that on this date October 10, 2024, before me, the  
Subscriber, a Notary Public in and for the State and County aforesaid personally appeared Brooke  
Wegner, known to me or satisfactorily proven to be, and acknowledged that they executed the  
foregoing for the purposes stated herein.

AS WITNESS my hand and Notarial Seal.

My commission expires: 5/9/2026



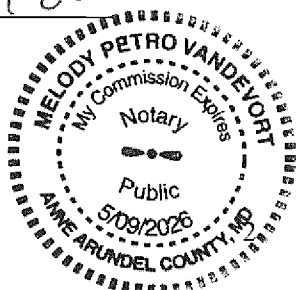
State of Maryland, County of Anne Arundel, to wit:

I HEREBY CERTIFY that on this date October 10, 2024, before me, the  
Subscriber, a Notary Public in and for the State and County aforesaid personally appeared Keith  
Wegner, known to me or satisfactorily proven to be, and acknowledged that they executed the  
foregoing for the purposes stated herein.

AS WITNESS my hand and Notarial Seal.

My commission expires: 5/9/2026

[Signature]  
Notary Public



State of Maryland, County of Anne Arundel, to wit:

I HEREBY CERTIFY that on this date: October 10, 2024, before me, the Subscriber, a Notary Public in and for the State and County aforesaid personally appeared Carolyn Bolognese, known to me or satisfactorily proven to be, and acknowledged that they executed the foregoing for the purposes stated herein.

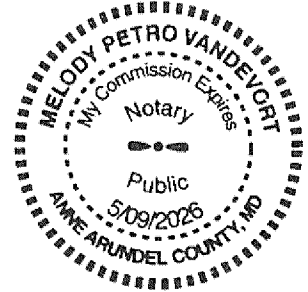
AS WITNESS my hand and Notarial Seal.

My commission expires: 5/9/2026

Melody Petro Vandevort  
Notary Public

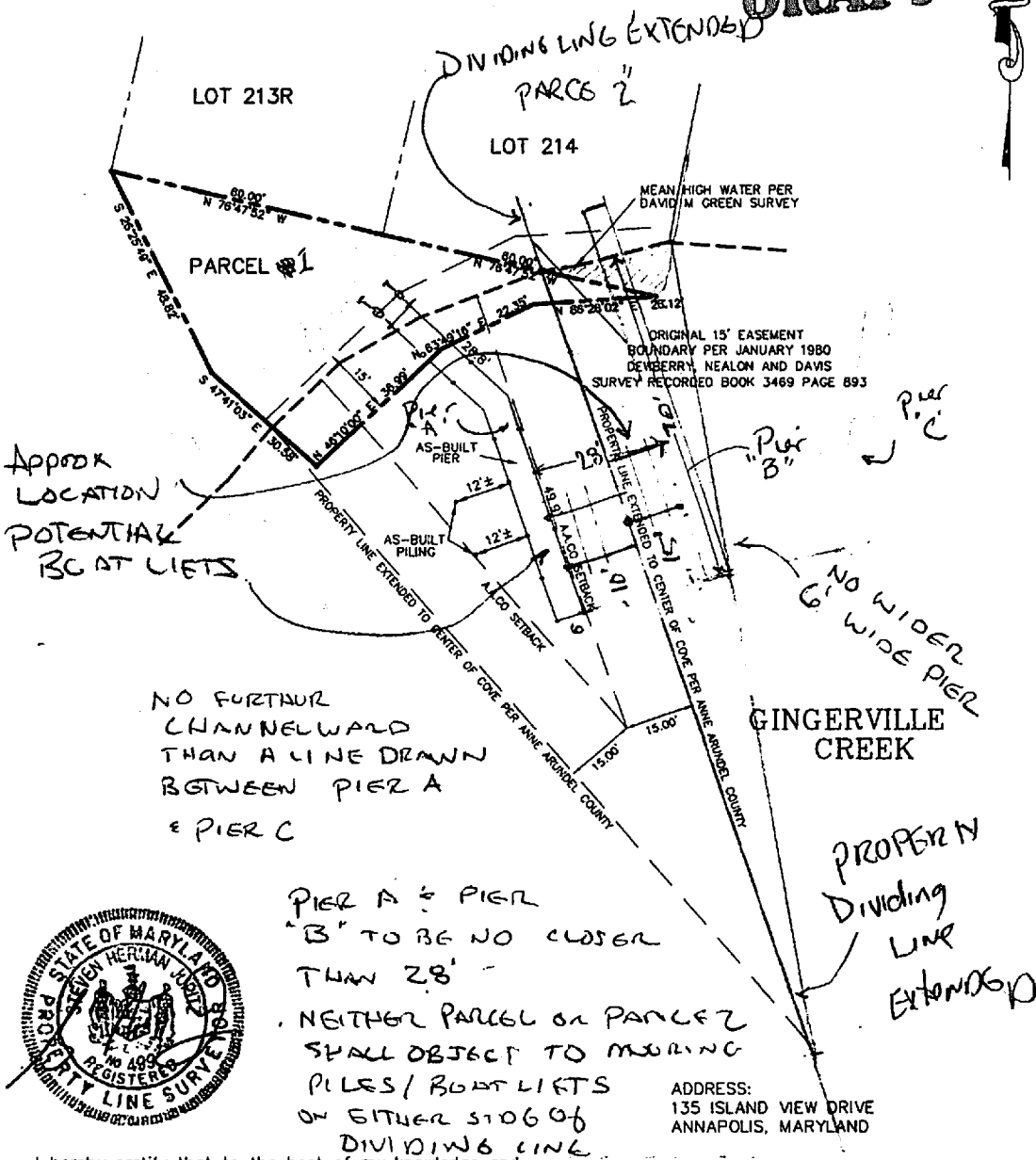
After recording, please return to:

Mark F. Gabler  
Hyatt & Weber, P.A.  
200 Westgate Circle, Suite 500  
Annapolis, MD 21401



NOTES: THE EXISTING "AS-BUILT" PIER AND PILINGS ARE IN COMPLIANCE WITH ALL ANNE ARUNDEL COUNTY SETBACK REQUIREMENTS

**DRAFT**



I hereby certify that to the best of my knowledge and belief, the improvements indicated hereon are located as shown.

*Steven H. Jupitz* 11-1-22  
Steven H. Jupitz, Prop. Line Surveyor #499 Date

**STEVEN H. JUPITZ, SURVEYOR**

P.O. BOX 113  
GRASONVILLE, MD. 21638  
(410) 490-0210

ADDRESS:  
135 ISLAND VIEW DRIVE  
ANNAPOLIS, MARYLAND

NOTE:  
THE AREA SHOWN HEREON IS IN  
FLOOD ZONE "X", AN AREA OF  
MINIMAL FLOODING.

AS-BUILT SURVEY OF PIER  
LOT 213R AND PARCEL "B"  
**CAPE ST JOHN**  
ESECOND ELECTION DISTRICT  
ANNE ARUNDEL Co., MARYLAND  
OCTOBER 2022

SCALE: 1"=50'  
N.T.S.  
JOB #22-033

DRAFT PREPARED BY CBE 8-15-24  
DAVID T. PHIPPS

CHESAPEAKE BAY ENVIRONMENTAL

Task Details **OPZ Critical Area Team**

**Assigned Date**

03/06/2025

**Assigned to**

Melanie Mathews

**Current Status**

Complete w/ Comments

**Action By**

Melanie Mathews

**Comments**

The site plan submitted under this variance was initially submitted and reviewed for Building Permit No. B04207557 for the residential pier and remains consistent with the conditions of the approved pier permit. The adjacent property of 133 Island View Drive has submitted a variance application using the same point of cove and extended lot lines for a residential pier, consistent with 135 Island View Drive. The Critical Area section of Planning and Zoning has no objection 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

**Task Specific Information**

**Expiration Date**

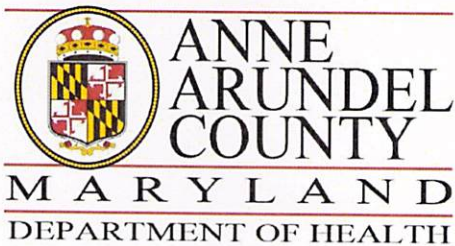
**Review Notes**

**Reviewer Phone Number**

410-222-6136

**Reviewer Email**

PZMATH20@aacounty.org




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 

DATE: March 11, 2025

RE: Keith Wegner, Trustee  
135 Island View Drive  
Annapolis, MD 21401

NUMBER: 2025-0032-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow mooring pilings (2) with less setbacks than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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



# 135 Island View Drive (2025-0032-V) - piers



## Legend

### Foundation

#### Addressing



#### Parcels



#### Parcels - Annapolis City



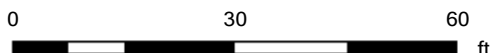
### Planning

#### County Planning



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.

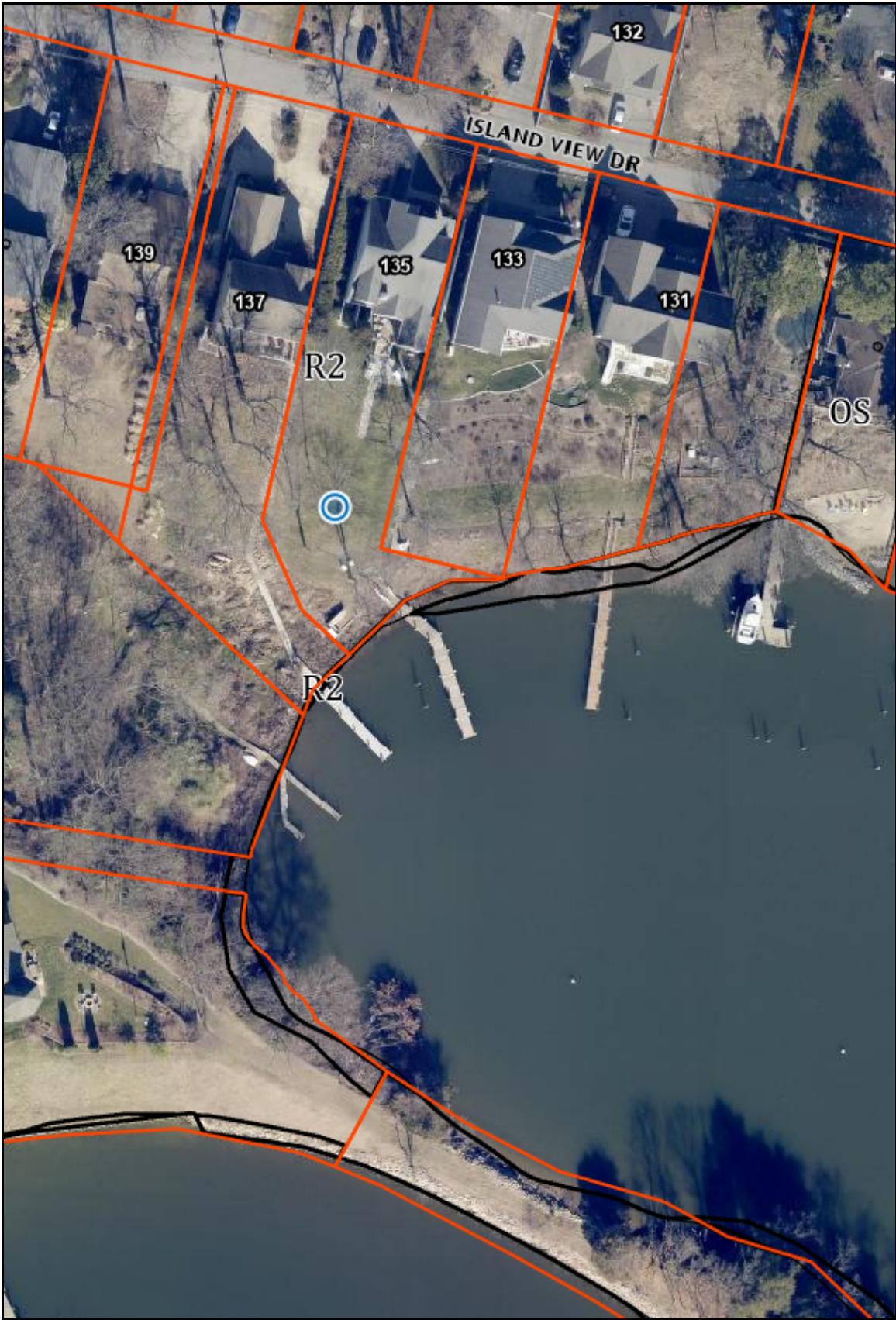
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THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

## Notes

135 Island View Drive (2025-0032-V)



- Legend
- Foundation
- Addressing
- 
- Parcels
- ▭
- Parcels - Annapolis City
- ▭
- Planning
- County Planning
- ▭



050100

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