

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

APPLICANT: Epping Forest Inc.

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0046-V

COUNCIL DISTRICT: 6

HEARING DATE: May 15, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a variance to allow an extension of time for the implementation and completion of a previously approved variance on property located at 354 Severn Road in Annapolis, Maryland.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of roughly 44,866 square feet, within the Epping Forest subdivision, Parcel 41 in Grid 3 of Tax Map 45.

The property is zoned MA1 - Commercial Marina. This waterfront property, on the Severn River, lies entirely within the Chesapeake Bay Critical Area LDA - Limited Development Area, and is mapped as a BMA - Buffer Modified Area. It is improved with a two-story structure serving as the Epping Forest Club House, associated parking, sports courts, a playground, and multiple piers with related attachments.

PROPOSAL

The applicant proposes to remove and replace the existing pier and pilings in the community marina. The reconstruction includes a reconfiguration of the marina, requiring changes to the marina basin. The approved variances are to allow a community pier and pilings with a greater marina basin than allowed and with less setbacks than required.

REQUESTED VARIANCES

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance provides 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 eighteen months of approval.

On October 10, 2023, under case number 2023-0136-V, the Administrative Hearing Officer granted the following variances:

1. A zoning variance of one hundred thirty-eight (138) feet to the limitation in § 18-7-103(b) to allow the proposed pier and mooring pilings to be constructed 138 feet beyond the existing north side marina basin limits as shown on County Exhibit 2; and

2. A zoning variance of an undertimed amount to the limitation in § 18-7-103(b) to allow the easternmost outer boatlift piling to be constructed beyond the existing east side marina basin limits as shown on County Exhibit 2;
3. A zoning variance of twenty-five (25) feet to the 25-foot side lot line extended setback requirement in § 18-2-404(b) to construct the proposed piers and pilings shown on the east side within zero feet from the east side lot line extended as shown on County Exhibit

The foregoing variances are subject to the following conditions:

- A. The applicant shall comply with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.
- B. The applicant shall also comply with any instructions and necessary approvals from the Maryland Department of the Environment and the United States Army Corps of Engineers.

Furthermore, County Exhibit 2, referenced in the decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and/or the Department of Inspections and Permits.

FINDINGS

This application for an extension in time was properly made prior to the expiration of the eighteen month time period.

The applicant's letter explains unforeseen issues that arose during the procurement of a construction contractor. The project was issued for bid as a design-build project in November, 2024, with a required completion timeline of May, 2025. Several contractors expressed interest in the project, but did not have capacity to complete the work within the given timeline. As such, construction has not yet begun, requiring an extension of time on the variances granted on October 10, 2023. Despite these challenges, the applicant is committed to completing this project and hopeful to begin construction in September of 2025.

Regarding the requirements for variances, 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.

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 variances to § 18-2-404(b) to allow an 18 month extension in time for the implementation and completion of previously approved variances.

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.



March 10, 2025

Zoning Division of the Office of Planning & Zoning
Anne Arundel County
Heritage Office Complex
2664 Riva Road
Annapolis, MD 21401
Zoning Division – (410) 222-7437

Re : Letter of Explanation – Variance Extension Request

Variance Number: 2023-0136-V
Variance Granted: 10/10/2023
Variance Expiration: 4/10/2025

Applicant: Epping Forest Inc.
Mailing Address: c/o Kevin Barner, Commodore, 364 Epping Way, Annapolis, MD 21401
Site Address (for Variance): 354 Severn Rd., Annapolis, MD 21401
Tax ID: 224003785100

Dear Zoning Office:

This letter is a formal request for an extension of the variance granted for Epping Forest Inc, Variance Number 2023-0136-V, approved on 10/10/2023. Due to unforeseen delays in the procurement of a construction contractor, the construction of the Epping Forest Marina Reconstruction project has not yet begun and we are seeking an extension on the zoning variance (2023-0136-V).

The project was issued for bid as a design-build project on 11/18/2024 to six qualified marine general contractors with a required completion date of 5/1/2025. Several contractors expressed interest in the project, but did not have capacity to complete the work this winter. Additionally, due to the volatility of the market, the contractors would not provide a construction price proposal this far out from the construction start date.

Despite these challenges, we remain committed to completing the project. We plan to re-bid the project in June of 2025 with a construction start date of September 2025 and a completion date of May 2026. Because this is a design-build project, the contractor will be responsible for obtaining the building permit.

We appreciate your consideration of this extension request. Please let us know if any further information is needed or if there are any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Verran", is written over a light blue circular stamp.

Heidi Verran, PE
Project Manager, ATM

THIS DEED, DECLARATION OF REVOCATION AND DEDICATION, made this 28th day of May, in the year Nineteen Hundred and Sixty-seven (1967), by and between Epping Forest, Inc., a body corporate of the State of Maryland (successor corporation to Epping Forest Club, Inc., a body corporate of the District of Columbia), party of the first part; and Judson H. Bell and Lola M. Bell, his wife, parties of the second part hereto.

WHEREAS, in 1927, a Washington D. C. corporation known as the Epping Forest Club was incorporated by the then lot owners of property in Epping Forest, the same being formed as an improvement association for the benefit of the lot owners, and also formed to take title to certain property that the developing corporation, Severn Shores, Inc., decided to convey to it for the purposes therein set forth; and

WHEREAS, the corporation known as Severn Shores, Inc. did convey to the Epping Forest Club (a Washington D. C. corporation) by several deeds hereinafter set forth, all right, title and interest in and to all of the roads, paths, parks and community property as can be more fully observed by reading the following deeds: Deed dated June 10, 1929, recorded among the Land Records of Anne Arundel County in Liber W.N.W. 53, folio 291, the first part thereof, describing the "Tennis Court", also known as the Business Lot (of which said tennis court lot the new road known as Peacock Alley is a part) see plat attached, hereto, and made a part hereof. Also see Deed dated December 11, 1928 duly recorded among the Land Records of Anne Arundel County in Liber W.N.W. 6, folio 227 recorded on the 11th day of December, 1928 wherein all the roads, paths, trails and parks were conveyed to Epping Forest Club, Inc. (for the use of the lot owners). Also see deed from Epping Forest Club, Inc. to Epping Forest, Inc. dated 15 July, 1946, duly recorded among the Land Records of Anne Arundel County in Liber J.H.H. 375, folio 250 wherein Epping Forest Club, Inc., a Washington D. C. corporation did convey all right, title and interest acquired from Severn Shores, Inc. to Epping Forest, Inc., a Maryland corporation, subject to the conditions therein expressed; and

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ANNAPOLIS, MD.

RECEIVED FOR RECORD
MARJORIE S. HOLT, CLERK
CIRCUIT COURT, A. A. COUNTY

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WHEREAS, as will more fully appear in the Plat Records of Anne Arundel County on a plat of Epping Forest, Section A, said plat being duly recorded in Plat Book 1, folio 39, said plat having been prepared by Edward Coulson in 1928, as will more fully appear thereon, a certain alley, namely, Peacock Alley, was laid out thereon, and as will more fully appear, laid out adjoining the property now owned by Judson H. Bell and wife (see Liber L.N.P. 1842, folio 588), said alley running from Epping Way to Bathsgate Path, also known as Barnesdale Path, with an even width as shown thereon of 15 feet, more or less, and an even depth of 104 feet, more or less; and

WHEREAS, in fact this alley, (Peacock) was never laid out, opened or used in the manner as shown on said plat. In fact, the said Peacock Alley was located, laid out and used for 30 years as lying on the southeast side of Epping Way, South 32 degrees 10 minutes 50 seconds West 16.41 feet from the northwest corner of the Bell property, thence running from the beginning point so fixed South 47 degrees 46 minutes 40 seconds East 106.58 feet to the northwest side of Bathsgate Path, (also known as Barnesdale Path) to an iron pipe; thence running with the northernmost side of Bathsgate Path, South 32 degrees 10 minutes 20 seconds West 15.23 feet to an iron pipe there set, and thence leaving the said pipe and running North 47 degrees 46 minutes 40 seconds West 106.61 feet to the south side of Epping Way and thence running with and on the southernmost side of said Epping Way, North 32 degrees 10 minutes 50 seconds East 15.23 feet to an iron pipe there found, the place of beginning; and

WHEREAS, said Peacock Alley as above described and used left a vacancy between the property subsequently acquired by the party of the second part hereto which was formerly owned by Mr. and Mrs. Alfred L. Larkin this vacant land was shown to the predecessors of Larkin-Bell in title by agents of Severn Shores, Inc., the developers, and was purchased as part of their property and they did take possession of the same and did adversely, openly, notoriously, and hostile against all others use the vacancy hereinafter described as part of that which they thought they had originally purchased; and

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WHEREAS, their holding of the premises hereinafter described was recognized by Severn Shores, Inc. to be that which was sold, and subsequently it was recognized as the Larkin property by Epping Forest Club, a Washington D. C. Corporation and the successor Club, known as Epping Forest, Inc., a Maryland corporation; and

WHEREAS, it is common knowledge that the development known as Epping Forest, developed by Severn Shores, Inc. was poorly surveyed, and that most persons that purchased property in Epping Forest, though they purchased by lot numbers actually purchased only that which they saw or that which was pointed out to them as that which was being sold; and

WHEREAS, Epping Forest, Inc., successor corporation to Epping Forest Club, (a Washington D. C. corporation) who are the owners of the ground in question, the same to be held and used for the benefit of the lot owners, having been vested with title by the developers, Severn Shores, Inc., recently started to re-survey the whole development (Epping Forest) and as a result of this re-survey this discrepancy was discovered; and

WHEREAS, as Epping Forest, Inc., successor to Epping Forest Club, Inc., has continuously operated as a quasi-public corporation for the benefit of the lot owners; and

WHEREAS, they have continuously held regular monthly administrative board meetings with annual meetings and special meetings to which all lot owners are privileged, encouraged and invited to attend; and

WHEREAS, these meetings have been held continuously since 1929 and that at these regular meetings above described regular records have been kept, and in addition to the same approximately seven years ago the party of the first part issued a Newsletter, published, and available to all lot owners, wherein all transactions of the corporation and all minutes of the corporation were spread for the benefit and knowledge of the lot owners. In June of 1966 at one of the regular meetings of the board the above error as to the exact location of Peacock Alley as formerly intended and as Peacock Alley is now used was discovered as a result of the aforementioned

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survey, Mr. and Mrs. Judson H. Bell being then and there the owners thereof did offer to pay for such expenses as were deemed necessary by way of surveying in order to set forth additional factors included herein and as a result thereof they did make an offer to the board to purchase the herein-after described parcel of land, part of which is Peacock Alley, and part of which is part of the tennis court, all property of the party of the first part, said board agreed to take the matter under consideration, taking due notice of the fact that the corporation held legal title to the bed of Peacock Alley subject to their right of use and that it also had title to that part of the tennis court which lay in the affected area and that whatever title that might vest in Mr. and Mrs. Judson H. Bell, parties of the first part hereto, the most it could be would be equitable; and

WHEREAS, at a regular board meeting, held at the Club House in Epping Forest, a quorum being present, the matter of the error in describing the Larkin-Bell property was openly and thoroughly discussed, whereupon on motion made, duly seconded and unanimously passed, it was recommended that Peacock Alley, as duly laid out on the plat of Epping Forest, Plat A, Plat Book 1, folio 39, be closed, and that Peacock Alley as used and as herein-after described be duly opened and accepted as that which was originally intended in the place and stead of the old Peacock Alley which was never opened or used; and, further, that the land hereinafter described which has been used by the Larkins and predecessors in title and the Bells, as being a part of their land, they having used the same for a period greater than twenty-five years, be, and the same should be conveyed to Judson M. Bell and wife as successors in title subject to final approval of the same at the annual meeting of the lot owners held September 4, 1966; and

WHEREAS, at the annual meeting the lot owners, a quorum of the lot owners being present, the membership, on motion duly made and unanimously passed, the president was authorized to have drawn a Deed of Revocation and Dedication, wherein he did, for and on behalf of the corporation, revoke and close the old alley, known as Peacock Alley, and substitute therefor and open

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and dedicate the new Peacock Alley in place and stead of the one formally laid out on Plat A of Epping Forest duly recorded among the Plat Records of Anne Arundel County in Plat Book 1, folio 39; and

WHEREAS, at the annual meeting of the lot owners held on the 4th day of September, 1966, a quorum of lot owners being present, the president was authorized to convey to Judson H. Bell and wife the hereinafter described parcel of land, most of which was the bed of the old Peacock Alley, and a small portion of which is a part of the tennis court, which small portion would be separated by the new Peacock Alley from the tennis court plot and would be of little or no use to the lot owners; further, the said president was authorized to close the old Peacock Alley which had never been used or opened, revoking the dedication thereof and formally open and dedicate the new Peacock Alley, recognizing thereby the intent of the developers and protecting the lot owners at the same time, said action being considered to be as a part of the right of the corporation at the direction of the lot owners for the use and betterment of the lot owners. For it was clearly set forth that at no time from the beginning of the corporate history of the party of the first part hereto to date had there been any dispute over the land hereby intended to be conveyed to the parties of the second part as the same had always in all ways been considered a part of their land and that of their predecessors in title, and that the same had been recognized by the community and the corporation as theirs for a period of nearly thirty years, the period of time of recorded corporate history of the Epping Forest corporation.

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NOW, THEREFORE, in accordance with the direction of the lot owners the corporation does issue this deed.

NOW, THEREFORE, this Deed, Declaration of Revocation and Dedication WITNESSETH: That in consideration of the premises, the sum of Five Dollars (\$5.00), and other good and valuable considerations paid by each of the aforesaid parties unto each of the other parties, the receipt thereof being

hereby acknowledged, the parties of the first part do hereby withdraw and forever revoke any offer of dedication or use of that strip of land known as Peacock Alley as formally laid out on the plat of Epping Forest, Plat Book 1, folio 39, as will more fully appear thereon, said alley being described as follows and shown on the attached plat which is included herewith and made a part hereof:

Beginning for the same at the iron pipe placed at the northwesternmost corner of the Judson H. Bell property (L.N.P. 1842, folio 588) and running with and binding thereon on the westernmost side thereof South 57 degrees 49 minutes 40 seconds east 104.94 feet to the northernmost side of Bathsgate Path, also known as Barnesdale Path, and the southwesternmost corner of the Bell property; thence running with and binding on the northernmost side of Bathsgate Path, South 32 degrees 10 minutes 20 seconds West 15.01 feet; and thence running therefrom North 57 degrees 49 minutes 40 seconds West 104.94 feet to the southernmost side of Epping Way; and thence running from that point North 32 degrees 10 minutes 50 seconds East to the place of beginning. Being Peacock Alley as shown on the recorded plat of Epping Forest, said plat being duly recorded in Plat Book 1, folio 39.

And, further, that in closing the above alley, the parties of the first part hereto do hereby open, substitute and dedicate in its place the said right-of-way that has been in use and used as the new Peacock Alley, which alley is for the common use of the lot owners of Epping Forest, and is described as follows:

Beginning for the same at a pipe found on the southeast side of Epping Way (25 feet wide), and at the northernmost corner of Peacock Alley, as now used, said pipe being further located South 32 degrees 10 minutes 50 seconds West 16.41 feet from the northwest corner of

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the conveyance from Alfred L. Larkin and wife to Judson H. Bell and wife by deed dated February 25, 1965, and recorded among the Land Records of Anne Arundel County in Liber L.N.P. 1842, folio 588, said northwest corner also intended to be the northernmost corner of Peacock Alley as shown on a plat of Epping Forest, Section A, recorded among the Plat Records of Anne Arundel County in Plat Book 1, page 39;

Thence running from said beginning point, so fixed, leaving said Epping Way and running through the area designated as "Business Zone" on the above mentioned plat of Epping Forest, and with the northeast side of Peacock Alley, as now used, and with bearings referred to Maryland Grid North, South 47 degrees 46 minutes 40 seconds East 106.58 feet to a pipe found on the northwest side of Bathsgate Path, also known as Barnesdale Path, as shown on said plat of Epping Forest;

Thence with the same, South 32 degrees 10 minutes 20 seconds West 15.23 feet to a pipe set;

Thence leaving said Bathsgate Path and continuing through the said "Business Zone" and with the southwest side of Peacock Alley, as now used, North 47 degrees 46 minutes 40 seconds West 106.61 feet to a pipe set on the said southeast side of Epping Way;

Thence with the same, North 32 degrees 10 minutes 50 seconds East 15.23 feet to the place of beginning.

Containing 1600 square feet, more or less, as surveyed by J. R. McCrone, Jr., Inc., Registered Surveyors, in February 1966 and described in September 1966.

Being part of the above mentioned "Business Zone", also known as the "Tennis Court", shown on said plat of

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Epping Forest, Section A, recorded among the Plat Records of Anne Arundel County in Plat Book 1, page 39, which is part of the conveyance from Severn Shores, Inc. to Epping Forest Club by deed dated June 10, 1929, and recorded among the Land Records of Anne Arundel County in Liber F.S.R. 53, folio 291.

Further, the said party of the second part hereto does join herein for the purpose of assenting to the opening and closing of Peacock Alley as the same is shown on the attached plat and as the same is more formally intended to be shown by this instrument.

Further, in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, as formally recited in the recital above, the parties of the first part hereto do hereby grant and convey unto the parties of the second part, as tenants by the entireties, unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot and parcel of ground situate in the Second Election District of Anne Arundel County, Maryland, and described as follows:

Beginning for the same at a point on the southeast side of Epping Way (25 feet wide); said point being the northwestmost corner of a conveyance from Alfred L. Larkin and Elizabeth M., his wife, to Judson H. Bell and Lola M., his wife, by deed dated February 25, 1965, and recorded among the Land Records of Anne Arundel County in Liber L.N.P. 1842, folio 588; and running from said beginning point so fixed and leaving Epping Way and running with the southernmost line of the above mentioned conveyance, and with bearings referred to Maryland Grid North, South 57 degrees 49 minutes 40 seconds East 104.94 feet to a pipe found on the west side of Bathsgate Path, 5 feet wide, also known as Barnesdale Path;

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Thence with the west side of the same, South 32 degrees 10 minutes 20 seconds West 35.00 feet to a pipe found on the north side of Peacock Alley, as now used;

Thence leaving said Path and running with the north side of Peacock Alley, as now laid out and used, North 47 degrees 46 minutes 40 seconds West 106.58 feet to a pipe set on the southeast side of Epping Way;

Thence with the southeast side of said Epping Way, North 32 degrees 10 minutes 50 seconds East 16.41 feet to the place of beginning.

Containing 2730 square feet, more or less, as surveyed by J. R. McCrone, Jr., Inc., Registered Surveyors, in February, 1966, and described in September, 1966.

Being a part of all that lot and parcel of ground conveyed by Severn Shores, Inc. to Epping Forest Club, a body corporate, by deed dated June 10, 1929, recorded among the Land Records of Anne Arundel County in Liber F.S.R. 53, folio 291, and also being all of that property hereinbefore described as Peacock Alley as formally laid out and never used as such, more particularly described and shown on the plat of Epping Forest, Plat Book 1, folio 39.

TOGETHER with the buildings and improvements thereon, and all and every the rights, roads, ways, waters, privileges and appurtenances thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD unto the lot owners the new Peacock Alley as intended by the developers together with the rights and privileges, appurtenances and advantages thereto belonging, and forever foreclosing and revoking the dedication as represented on the plat of Epping Forest, Plat Book 1, folio 39; and

TO HAVE AND TO HOLD unto the parties of the second part hereto all that lot and parcel of ground hereinbefore described as containing 2730 square

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feet of land, unto them, as tenants by the entireties, unto the survivor of them, his or her heirs and assigns, in fee simple.

WITNESS the hands and seals of the GRANTORS herein.

WITNESS:

EPPING FOREST, INC.

By:

Mary W. Thrasher
Mary W. Thrasher,
Secretary

John V. McNairy
John V. McNairy, President

WITNESS, as to Judson H. Bell
and Lola M. Bell:

J. Walter Scholz
J. Walter Scholz

Judson H. Bell (SEAL)
Judson H. Bell

Lola M. Bell (SEAL)
Lola M. Bell

NO TITLE EXAMINATION MADE.

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:-

I hereby certify that on this 28th day of May, in the year 1967, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared John V. McNairy, president of Epping Forest, Inc. and made oath that he is empowered to execute the above deed and Revocation and Dedication as above set forth; and also personally appeared the Secretary, Mary W. Thrasher, who made oath in due form of law that the matters and facts as set forth herein are the acts of the corporation, and did impress the seal of the corporation in execution thereof, and that the same, this instrument, is a legal act of said corporation.

Witness my hand and Notarial Seal,

J. WALTER SCHOLZ
ATTORNEY AT LAW
P. O. BOX 1505
ANNAPOLIS, MD.

Janet Schnoor
Janet Schnoor, Notary Public

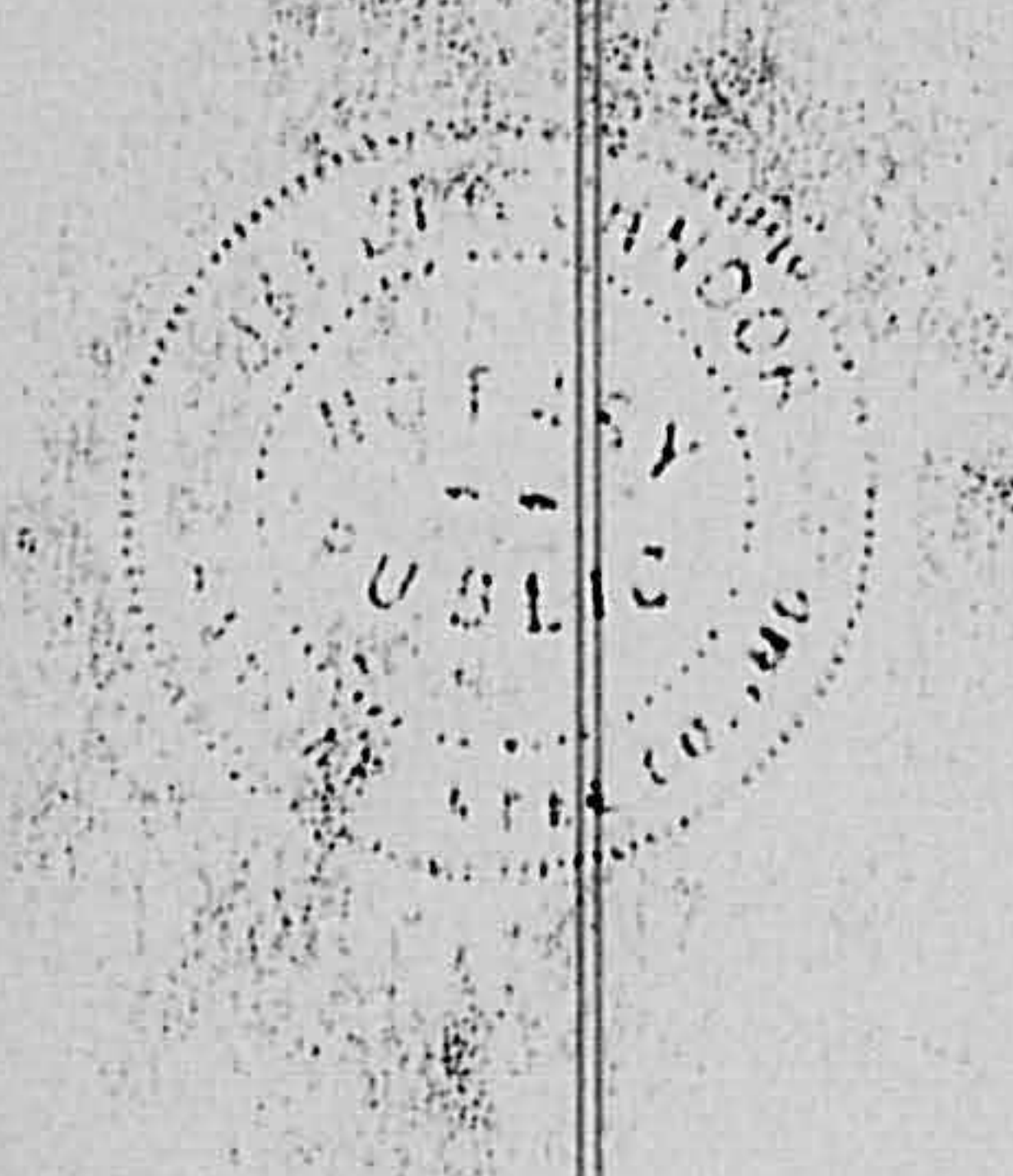
My commission expires: July 1, 1967

LIBER 2244 PAGE 32

STATE OF MARYLAND, ANNE ARUNDEL COUNTY, to wit:-

I hereby certify that on this 28th day of May, in the year 1967, before the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Judson H. Bell and Lola M. Bell, his wife, and did acknowledge the above instrument to be their act, and did assent thereto.

Witness my hand and Notarial Seal,


Janet Schnoor
Janet Schnoor, Notary Public

My commission expires: July 1, 1967

Mailed to J. Walter Scholz
See Plat on following page

J. WALTER SCHOLZ
ATTORNEY AT LAW
P. O. BOX 1505
ANNAPOLIS, MD.

Agent Authorization

Re: Epping Forest Marina Reconstruction

Applicant: Epping Forest Inc.

Mailing Address: c/o Kevin Barner, Commodore, 364 Epping Way, Annapolis, MD 21401

Site Address (for Variance): 354 Severn Rd., Annapolis, MD 21401

Tax ID: 224003785100

Dear Zoning Office:

I authorize Heidi Verran, PE of Applied Technology Management, a Geosyntec Company (ATM) to request a Variance Extension on behalf of the community, Epping Forest Inc, for the Epping Forest Marina Reconstruction project at 354 Severn Rd, Annapolis, MD 21401.

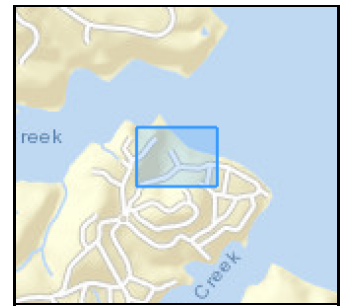
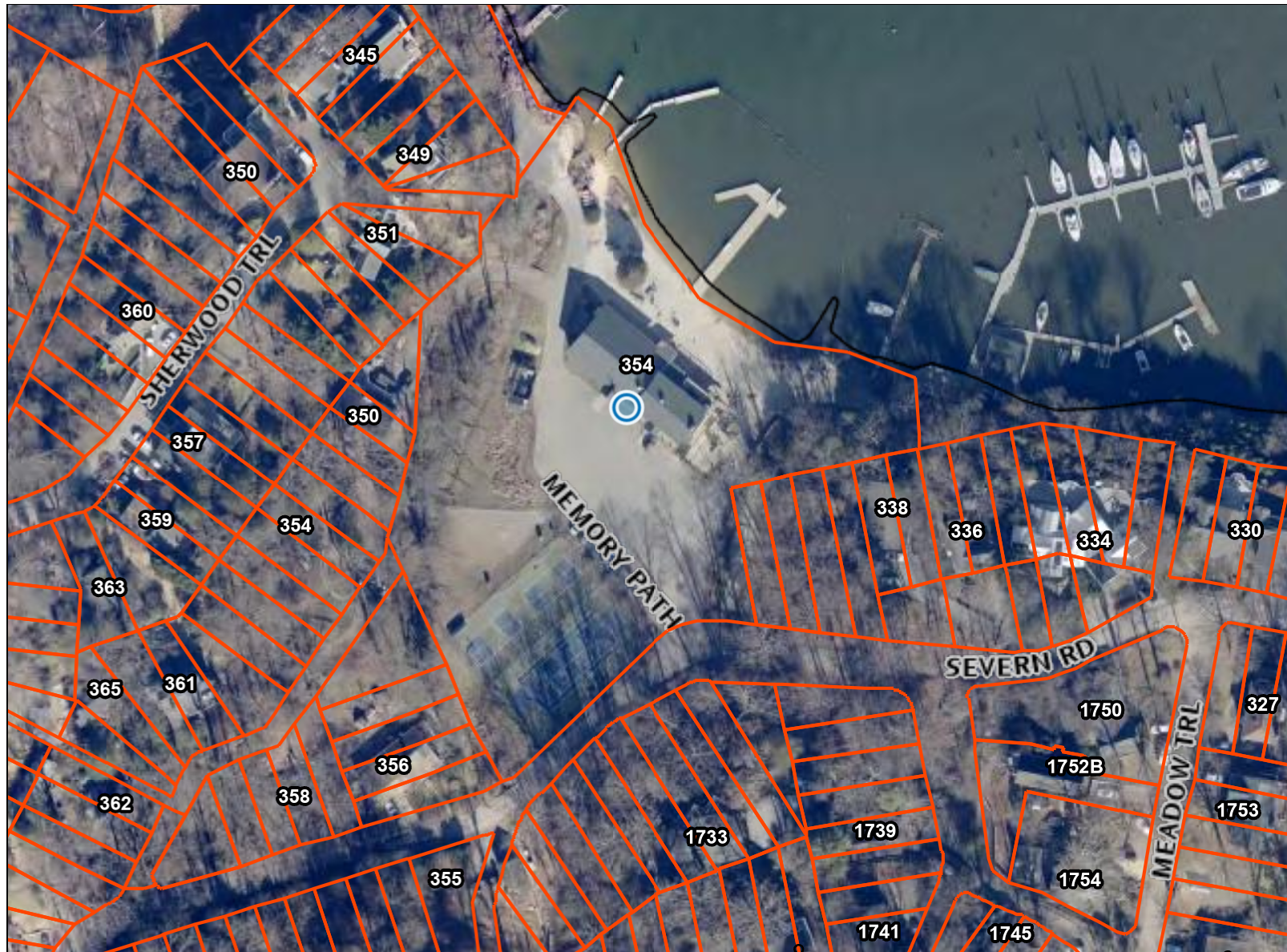
Kevin M. Barner

Epping Forest Inc.

March 18, 2025

Date

3092 Tudor Hall Rd. - 2025-0047-V



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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.

none



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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes