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

APPLICANT: Michael Pochettino **ASSESSMENT DISTRICT:** 1

CASE NUMBER: 2025-0047-V COUNCIL DISTRICT: 7

HEARING DATE: May 13, 2025 **PREPARED BY:** David Russell

Planner

REQUEST

The applicant is seeking a variance to allow mooring pilings with less setbacks than required on property located at 3092 Tudor Hall Road in Riva.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of roughly 14,000 square feet of land, and is identified as Lots 46 and 47¹ in the South River Heights subdivision, Parcel 51 in Grid 5 of Tax Map 55.

The property is zoned R2 - Residential. This waterfront property, on Hardestys Cove, 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 dwelling, residential pier with an attached boat lift on the west side, a hillside tram, and stairstepped pathway providing access to the pier.

PROPOSAL

The applicant proposes the addition of two (2) mooring pilings, for a 10' x 13' boat lift, 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 two (2) mooring pilings will be as close as seven (7) feet to the eastern side lot line extended, necessitating variances of eight (8) feet.

FINDINGS

The subject property is slightly undersized for the R2 District, with regard to the minimum lot size of 15,000 square feet for properties served by public sewer. The property features over 100 feet of waterfront frontage. A review of the County aerial photography shows the existing pier and attached boat lift are located roughly 19 feet from the eastern property line extended.

¹The South River Heights Plat (1926): book 1, p. 31; plat 229 identifies the property as lots 47 & 48.

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The applicant's letter acknowledges that a wraparound finger pier, or the demolition and relocation of the pier are options to avoid a variance. The applicant's proposed location for the pilings was selected to minimize Critical Area disturbance and would still allow approximately 42 feet of maneuvering space between the nearest neighboring pier and associated structures, to the east.

Agency Comments

The **Development Division (Critical Area Team)** notes that the property line extensions are drawn correctly according to the requirements of 18-2-404. Their Office has no objection to the variance request.

The **Health Department** has no objection to the variance request.

Variance Criteria

To be granted a variance it must be found that because of unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The pier's longstanding location near the property's eastern side lot line extended, makes it difficult to construct any accessory additions on the east side of the pier, without a variance. Through the use of historic County aerial imagery, it was determined that the pier has been in its current location since at least 1998, well before the applicant's purchase of the property. The historic imagery from 1998 also confirms there was no pier on the adjacent property to the east. At that time, the location of the pier posed no conflict with the neighboring property to the east. The addition of the two (2) mooring pilings will allow for approximately 42 feet of navigability between the neighboring pier.

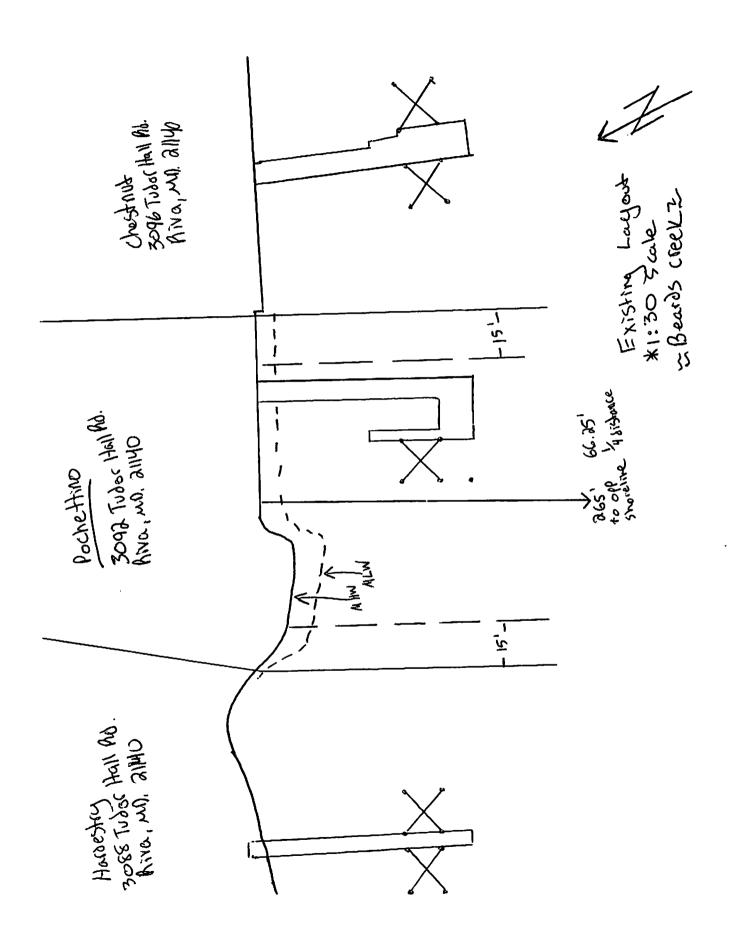
Boatlift widths range between nine (9) and fifteen (15) feet. The applicant's request to add pilings to accommodate a thirteen (13) foot wide boatlift is not unreasonable. Therefore, the request can be considered the minimum necessary to afford relief. The proposed location of two (2) mooring pilings would require a variance of eight (8) feet. As such, the granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

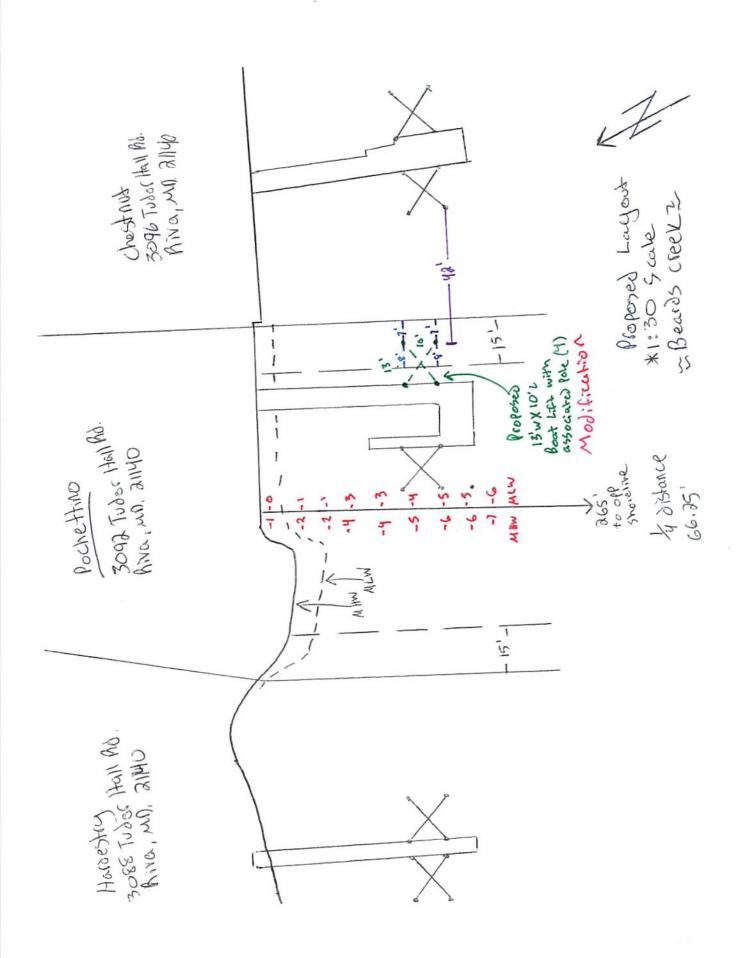
RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends <u>approval</u> of the requested variances to § 18-2-404(b) to allow two (2) mooring pilings with less setbacks than required, as shown on the site plan.

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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.





1901 Belson Rood • Odenton, MD 21113 • (410)674-3100 • (800)268-5911

BOAT LIFTS UNLIMITED, INC.=







Letter of Explanation

3092 Tudor Hall Rd. Riva, MD. 21140

Michael Pochettino

Proposed Work

We are seeking a variance for a 13'w x 10'l boat lift and the associated poles with less setbacks than required. Two of the four poles required will be in the setback. The poles require a variance of 8 feet into the setback or 7 feet off the eastern extended property line. All work a max of 55' channel ward of the mean high-water line.

Hardship

Mr. Pochettino's property has a waterfront footage of 110'. Mr. Pochettino's pier is located only 19 feet off the eastern property line. Because of this any requested structure on the eastern side of his pier will require a variance. Rather than proposing a wraparound finger pier or the rebuilding of the pier in the center of the property which would lead to a higher disturbance of the critical area. We come to you with this design that results in the least amount of disturbance. With the addition of the boat lift on the eastern side of the property there is still a great distance between the proposed structure and the neighboring outside boat lift poles at 3096 Tudor Hall Rd of 42 feet. The proposed design we have provided minimizes disturbance and unnecessary cost. The addition of the boat lift slip does not change the character of the South River Heights subdivision as numerous residents have multiple boat lifts/slips.

Thank you,

Tim Glaser

Please contact Tim Glaser with any questions or information

tim@magnumlift.com

1-800-268-5911

1901 Betson Ct.

Odenton, MD. 21113

Anne Arundel Cty Finance Office County Transfer Tax \$8,599.00 County Recordation Tax \$6,020.00 11/23/2020 11:05 AM LO BOOK: 35679 PAGE: 456

1/2

AFTER RECORDING RETURN TO:
Michael L. Pochettino
3092 Tudor Hall Road 105 16 Bill Lilly Ch.
Riva, MD 21140 Lawred MD 20123

Tax ID#: 01-752-06997900

DOCUMENT PREPARED BY: Sage Title Group, LLC 183 Harry S. Truman Parkway, Suite 116 Annapolis, MD 21401 File Number: 306018APSS

This Deed, MADE THIS 5th day of November, 2020, by and between Steve Knopf and Robert Knopf,, parties of the first part, and Michael L. Pochettino and Robyn K. Pochettino, parties of the second part.

WITNESSETH, That in consideration of the sum of EIGHT HUNDRED FIFTY NINE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$859,900.00), the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said parties of the second part, in fee simple, as tenants by the entirety, all that parcel of ground situated in Anne Arundel County, Maryland and as described as follows, that is to say:

ALL these lots or parcels of land situate, lying and being in the First Election District of Anne Arundel County, Maryland, and more particularly described as follows:

BEGINNING for the same at an iron pipe previously set on the southernmost side of Tudor Hall Road (30 feet wide) and distant South 30° 30' 50" East 341.60 feet from the intersection of the northernmost side of Tudor Hall Road and the westernmost side of Spring Cove Road as shown on the plat of South River Heights as filed among the Plat Records of Anne Arundel County, Maryland, in Plat Book 1, Plat Number 31; and said pipe also being the beginning point of the confirmatory deed as recorded by The All Year Development to Peter W. Christensen and Anna E. Christensen by deed dated April 13, 1959, and recorded among the Land Records of Anne Arundel County in Liber C.T.C. 1295, folio 348; thence leaving said beginning point so fixed and the southernmost side of said Tudor Hall Road and running reversely with the last line of said conveyance South 33° 40' 10" West 152.37 feet to an iron pipe previously set on the shoreline of Beard's Creek; thence leaving the lines of the aforesaid conveyance and running with said shoreline North 66° 50' 30" West 9.84 feet, North 57° 12' 30" West 59.42 feet, and North 37° 13' 10" West 42.74 feet to an iron pipe now set; thence leaving the aforesaid shoreline and running North 39° 42' 40" East 178.61 feet to an iron pipe now set on the southwesternmost side of said Tudor Hall Road; thence with the southwesternmost side of the aforesaid Tudor Hall Road South 17° 00' East 22.34 feet to an iron pipe now set; thence still with the aforesaid Tudor Hall Road on a curve to the left having a radius of 66.42 feet and an arc distance of 32.86 feet with a chord, South 31° 09' 50" East 32.52 feet to an iron pipe now set; thence South 45° 20' 30" East 44.80 feet to the place of beginning. Containing 0.39 acres, more or less according to a survey and plat made in May, 1960, by Edward Hall, III Registered Land Surveyor.

BEING what was intended to be Lot Numbers 46 and 47 as shown on the Plat of South River Heights; and filed among the Plat Records of Anne Arundel County, Maryland in Plat Book 1, Plat Number 31.

BEING subject to a 10-foot drainage easement; the first, or South 33° 40' 10" West 152.37 foot line being the center of said easement.

The improvements thereon being known as 3092 Tudor Hall Road, Riva, Maryland 21140.

Tax ID#: 01-752-06997900

ACCT. 01-752-06997900 ALL LIENS ARE PAID AS OF 11-23-2020 A.A. COUNTY BY: LO

Anne Arundel Cty Cir Crt
IMP FD SURE \$40.00
RECORDING FEE \$20.00
TR TAX STATE \$4,299.50
TOTAL \$4,359.50
SAP WO
Nov 30, 2020 09:04 am

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 35679, p. 0456, MSA_CE59_36121. Date available 12/08/2020. Printed 03/19/2025

BOOK: 35679 PAGE: 457

BEING the same property which by deed dated March 24, 2020 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 34555, folio 404, was granted and conveyed by CAM Real Estate XIX, LLC unto Robert Knopf and Steve Knopf.

FOR INFORMATIONAL PURPOSES ONLY

BEING the same property which by quitclaim deed dated February 18, 2020 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 34250, folio 186, was granted and conveyed by HMC Assets, LLC a California limited liability company solely in its capacity as Separate Trustee of CAM XIX Trust, a Delaware Statutory Trust unto CAM REAL ESTATE XIX, LLC.

FURTHER BEING the same property which by deed dated December 4, 2019 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 34143, folio 82, was granted and conveyed by Steven K. Eisenberg, Subsittue Trustee unto HMC Assets, LLC.

FURTHER BEING the same property which by deed dated September 2, 2008 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 20429, folio 71, was granted and conveyed by Thomas F. Rooney unto Thomas F. Rooney and Catherine Rooney.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said parties of the second part, as tenants by the entirety, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple.

Buyers' Initials: MKP

AND the said parties of the first part do hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

BOOK: 35679 PAGE: 458

WITNIECC.	
WITNESS:	41
	(GEAL)
	Steve Knopf (SEAL)
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	(SEAL)
	Robert Knopf
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STATE OF MENGLISH	this Start of Morenten, 2022, before me, the
TYPEDA GEDTIEN Alakan	The se W Co Co Ma (Sed 2020) before me the
aibscriber, a Notary Public of t	ne State of the lowester in and forcement handle country city, personally
ppeared Steve Knopf and Ro	bert Knopf known to me (or satisfactorily proven) to be the persons whose
names are subscribed to the wit n my presence signed and seal-	him instrument and acknowledged the foregoing Deed to be their act, and
1	
N WITNESS WHEREOF, I	hereunto set my hand and official seal:
	Kellianne Johnson NOTARY PUBLIC
Votary Public	ANNE ARUNDEL COUNTY MARYIAND
My Commission Expires:	2-23. 2021 MY COMMISSION EXPIRES 05-23-2021
	ATTORNEY CERTIFICATION
mi · · · · · · · · · · · · · · · · · · ·	n instrument was prepared under the supervision of an Attorney duly
admitted to practice before the	c Court of Appeals in the State of Mayyland
1	
	Stephen McClung, Esq.
	Stephen McClung, Esq.

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 35679, p. 0459, MSA_CE59_36121. Date available 12/08/2020. Printed 03/19/2025.

MARYLAND **FORM** WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2020

Based on the certification below, Transferor claims exemption

from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferors principal residence

1.	Transferor Information Name of Transferor							
2.	Description of Prope	, subdistrict and lot numbers.)						
3092 Tudor Hall Road, Riva MD								
3.	Reasons for Exemption	on		•				
	Resident Status	As of the date	this form is signed, I, Transferor, am a resident	is form is signed, I, Transferor, am a resident of the State of Maryland				
	Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.							
	Principal Residence	residence as o	Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.					
	Under penalty of knowledge, it is t	perjury, I certify rue, correct, and	that I have examined this declaration a complete.	nd that, to the best of my				
3a. Individual Transferors		erors	Steve Knopf Name	//-5-1000 Date				
	Witness		Signature					
3t	o. Entity Transferor	s						
Witness/Attest			Name of Entity	And and the second seco				
			Name	**Date				

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

20-49

BOOK: 35679 PAGE: 460

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2020

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of $\S10$ -912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1.	Transferor Informati	on						
	Name of Transferor	Robert Knopf						
2.	Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers.)							
	3092 Tudor Hall Roa	d, Riva MD						
3.	Reasons for Exemption	on						
	Resident Status	As of the date this	nis form is signed, I, Transferor, am a resident of the State of Maryland					
		Transferor is a re: (COMAR)03.04.12 document on Tra	esident entity as defined in Code of Maryland Regulations .2.02B(11), I am an agent of Transferor, and I have authority to sign this ansferor's behalf.					
Principal Residence Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.								
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	Witness		Signature	general control of the control of th				
3ŀ	o. Entity Transfero	rs						
	Witness/Attest		Name of Entity By	Address of the second s				
			Name	**Date				
			Title					
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Section 10-912.

20-49

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 35679, p. 0460, MSA_CE59_36121. Date available 12/08/2020. Printed 03/19/2025.

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From		Doc 1 - Owner(s) of Record, if Different from Grantor(s)					Robyn K. Pochettino Doc 2 - Owner(s) of Record, if Different from Grantor(s)						
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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 24, 2025

RE: Michael L. Pochettino

3092 Tudor Hall Road

Riva, MD 21140

NUMBER: 2025-0047-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow mooring pilings 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

2025-0047-V

Menu Cancel Help

Task Details OPZ Critical Area Team	
Assigned Date	Due Date
03/19/2025	04/09/2025
Assigned to	Assigned to Department
Melanie Mathews	OPZ Critical Area
Current Status	Status Date
Complete w/ Comments	04/07/2025
Action By Melanie Mathews	Overtime No
Comments	Start Time
The site plan submitted in this variance application has been reviewed under	Start Time
Building Permit No. B02434482. The property lines are drawn correctly	
according to the requirements of 18-2-404. The Critical Area section of Planning	
and Zoning has no objections to the variance(s) requested.	
End Time	Hours Spent
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Billable	Action by Department
No	OPZ Critical Area
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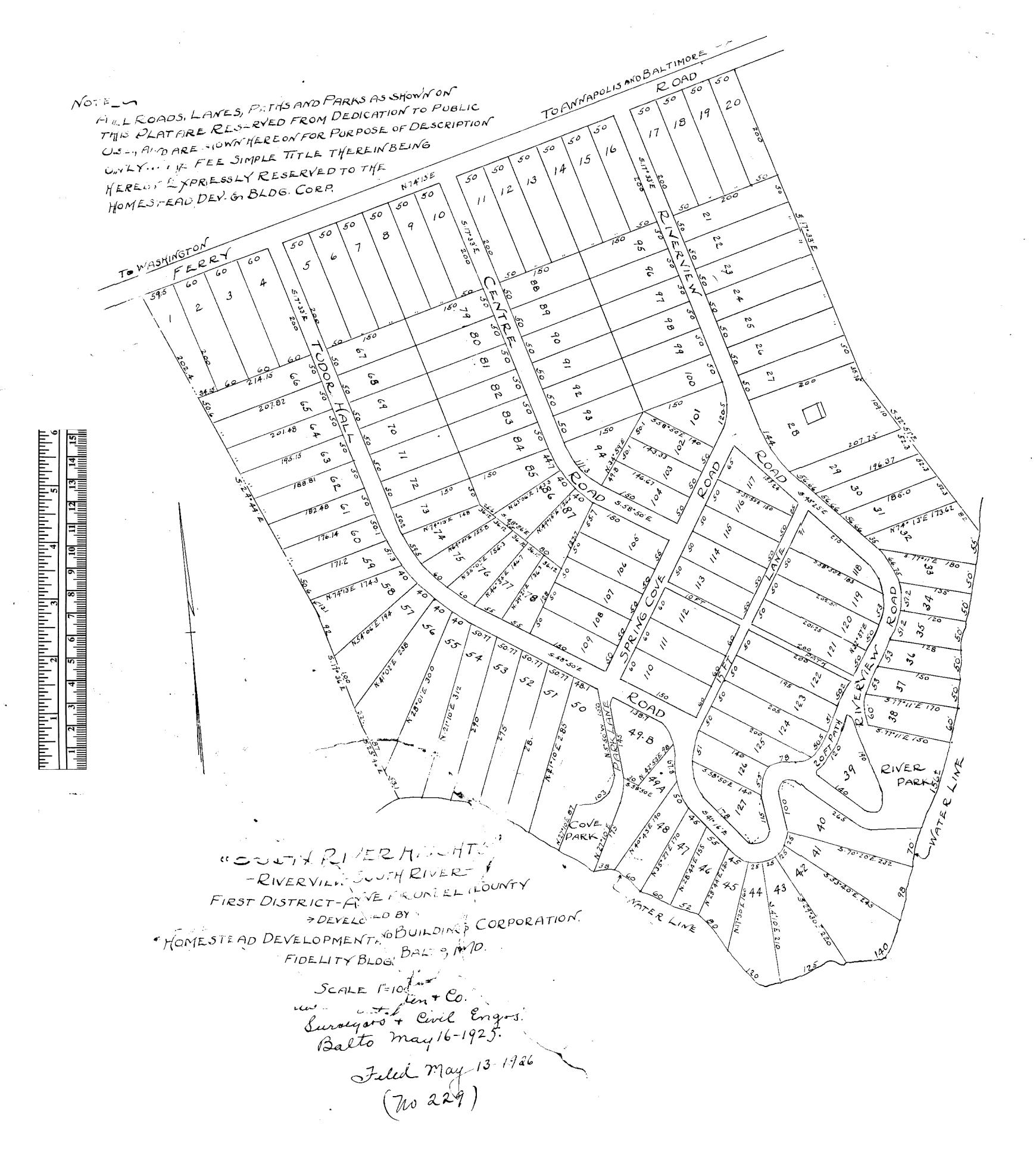
Review Notes

Reviewer Email
PZMATH20@aacounty.org

Reviewer Name MELANIE MATHEWS

Expiration Date

Reviewer Phone Number 410-222-6136



3092 Tudor Hall Rd. - 2025-0047-V South R Heigh Beards Retreat Legend Foundation Addressing 0 Parcels Parcels - Annapolis City Notes 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 50 100 USED FOR NAVIGATION