

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


APPLICANT: Patrick Tangney

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2025-0055-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: May 27, 2025

PREPARED BY: Donnie Dyott Jr. 
Planner

REQUEST

The applicant is requesting a variance to allow a pier and pilings with less setbacks than required on property located at 1080 Little Magothy View in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The site consists of approximately 18,980 square feet of land and is identified as Lot 219 of Parcel 423 in Block 12 on Tax Map 40 in the Cape St. Claire subdivision. The subject property is zoned R5 - Residential District and is improved with a single family dwelling and associated facilities.

This is a waterfront property on the Little Magothy River which lies entirely within the Chesapeake Bay Critical Area, and is designated as LDA - Limited Development Area. The shoreline is mapped as BMA - Buffer Modification Area.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a pier measuring 5' X 49' with two mooring pilings to be used for a 12' X 13' boatlift.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Code stipulates that a private pier or mooring piling shall be located at least 15 feet from a lot line extended. The 2 proposed mooring pilings on the north side of the pier will be located as close as 2 feet from the northerly extended lot line, necessitating variances of 13 feet for each pilings. The pier will be located within the setbacks for the extended lot lines and no variance is required for the pier.

AGENCY COMMENTS

The **Health Department** commented that the request does not adversely affect the well water supply system and has no objection.

The **Development Division (Critical Area Team)** commented that the proposed pier construction has been reviewed under building permit #B02434125. The property line extensions are drawn

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correctly according to the recorded plat; the south PLE drawn as a direct extension, and the north parallel to an adjacent structure. A recorded pier construction agreement has been received. The Critical Area team has no objection to the request.

FINDINGS

The applicant describes that the limited waterfront area in combination with the method required to extend the lot lines leaves little to no room to construct a pier and pilings without variance relief.

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 property, strict implementation of the Code would result in an unwarranted hardship or practical difficulties. In this case the method of lot line extension results in a limited water area to construct a pier and pilings. The extension lines converge to create an area which is not sufficient to improve the water area without a variance. As such, some relief is warranted. The proposed pier and pilings appear to leave adequate room for navigation to the adjacent pier to the north and is considered by this Office to represent the minimum necessary to afford relief.

Piers with slips and associated mooring pilings are a common feature of waterfront properties and the neighborhood contains several piers in the area, some of which appear to be nonconforming with regard to setbacks. Therefore, the proposed variances will not alter the essential character of the neighborhood and will not be detrimental to the public welfare. There is no evidence that the proposal will impair the appropriate use or development of adjacent properties, as the proposal appears to provide adequate separation for navigability.

RECOMMENDATION

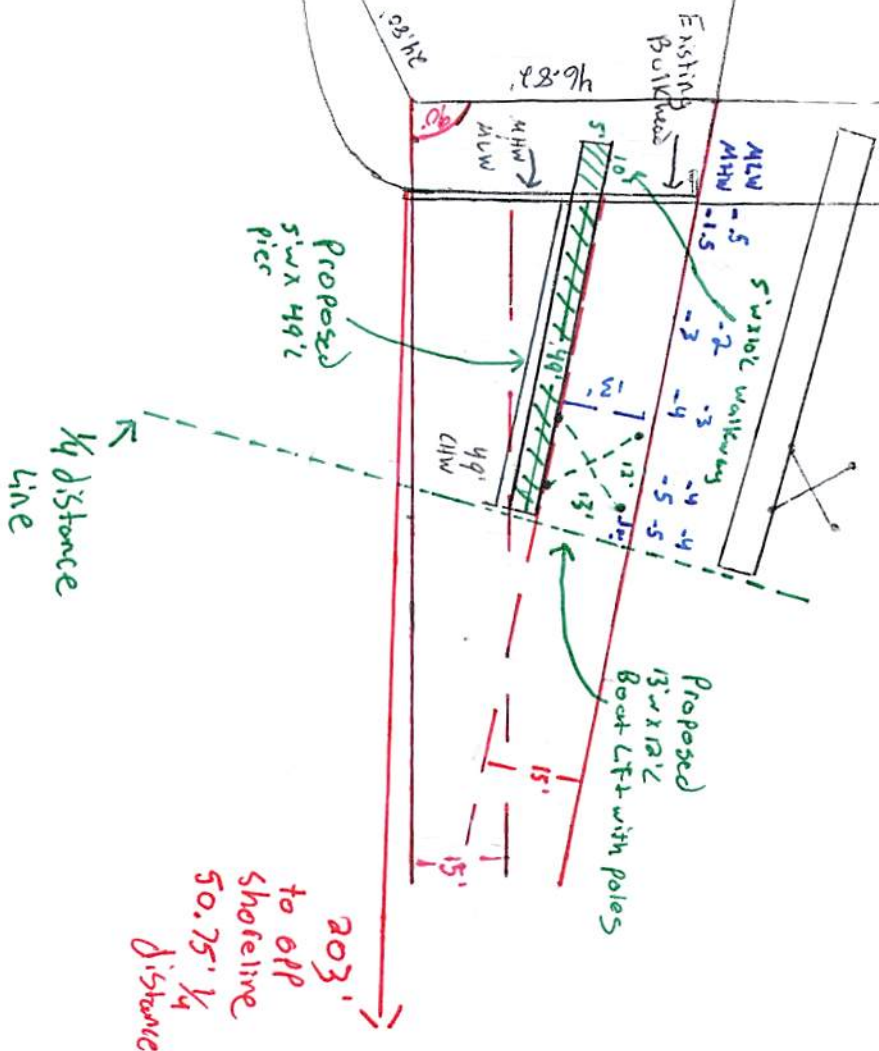
Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends **approval** of variances to §18-2-404 (b) for the construction of the pilings as shown on the site plan.

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.

Rose
1078 Little Magdaly W.
Annapolis, MD. 21409

Tangney
1080
Little Magdaly
Annapolis, MD.
21409

Cape St. Claire Imp Hs Association
Inc.
1084 Little Magdaly W.
Annapolis, MD. 21409



Proposed layout
1:30 Scale
N Little Magdaly
River

Logan Title
File No. 15-0636
Tax ID # 03-165-16914800

LR - Deed (w Taxes)
Recording only ST20.00
Grantor/Grantee Name:
dicarlo
Reference/Control #:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1,350.00

This Deed, made this 30th day of October, 2015, by and between **Edward DiCarlo**,
Personal Representative, The Estate of Wilma M. Koerner also known as Wilma M. Bowley, per
State of Maryland Letter of Administration for Estate No. 26312, who died on or about June 4,
2015, whereas Wilma M. Koerner also known as Wilma M. Bowley survived Remainder, Emma L.
Koerner, who died on or about February 5, 1991, GRANTOR, and Patrick John Tangney and
Christopher Scott Patterson, GRANTEES.

Subtotal: 1,410.00
Total: 1,410.00
11/10/2015 11:54
CC02-AM
#5134781 CC0501 - Anne
Arundel
County/CC05.01.11 -
Reg. Fee 11

Witnesseth -

That in consideration of the sum of Two Hundred Seventy Thousand and 00/100 Dollars (\$270,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

Being known and designated as Lot 219 in Section D, on a Plat entitled "Amended Addition to Section D, Plat 6, Cape St. Claire", which said Plat is dated March, 1952, and recorded among the Plat Records of Anne Arundel County, Maryland, in Plat Cabinet 4, Rod G-3, Plat No. 4.

Property Address: 1080 Magothy View
Annapolis, MD 21409
Tax Parcel: 03-165-16914800

BEING the fee simple property which, by Special Warranty Deed dated August 10, 1976, and recorded in the Land Records of the County of Anne Arundel, Maryland, in Liber 2889, Folio 97, was granted and conveyed by Wilma M. Koerner unto Wilma M. Koerner, Life Tenant with Full Powers, and Emma L. Koerner, Remainder.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Patrick John Tangney and Christopher Scott Patterson, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

ACCT. 3165 16914800
ALL LIENS ARE PAID AS
OF 11-3-15 A.A. COUNTY
BY: DE

11/03/15 09:04 AM C 0001 R 0003
Val #: 0003-155193 #2,700.00
County Transfer Tax

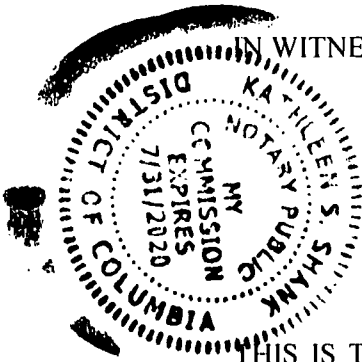
In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

The Estate of Wilma M. Koerner also known as Wilma M. Bowley

By: Edward DiCarlo (SEAL)
Edward DiCarlo, Personal Representative

DISTRICT OF COLUMBIA } ss

I hereby certify that on this 30th day of October, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Edward DiCarlo, Personal Representative for the Estate of Wilma M. Koerner also known as Wilma M. Bowley, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be its act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kathleen S. Shank
Notary Public: Kathleen S. Shank

My Commission Expires: July 31, 2020

THIS IS TO CERTIFY that the within Deed was prepared by, or on behalf of a party to the transaction.

Edward DiCarlo
Edward DiCarlo

AFTER RECORDING, PLEASE RETURN TO:
Logan Title
2308 14th Street NW
Washington, DC 20009

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 transferor's principal residence.

1. Transferor Information

Name of Transferor

The Estate of Wilma M. Koerner AKA Wilma M. Bowley

2. Reasons for Exemption

Resident Status

☐

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

☒

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

EDWARD DICARLO, PERSONAL REPRESENTATIVE
OF THE ESTATE OF WILMA M. KOERNER AKA/
WILMA M. BOWLEY

Name of Entity

By

Edward DiCarlo

Name

Title

☐ Baltimore City ☒ County: Anne Arundel
*Information provided is for the use of the Clerk's Office, State Department of
 Assessments and Taxation, and County Finance Office Only.*
 (Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 28992, p. 0196, MSA_CE59_29434. Date available 12/02/2015. Printed 03/26/2025.

2025-0055-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date
04/04/2025
Assigned to
Melanie Mathews
Current Status
Complete w/ Comments
Action By
Melanie Mathews

Comments
The proposed pier construction has been reviewed under Building Permit No. B02434125. The property line extensions are drawn correctly according to the recorded plat; the South PLE drawn as a direct extension, and the North parallel to an adjacent structure. A recorded Pier Construction Agreement has been received. The Critical Area section of Planning and Zoning has 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
04/18/2025
Assigned to Department
OPZ Critical Area
Status Date
04/07/2025
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	Review Notes	Reviewer Name
Reviewer Phone Number 410-222-6136	Reviewer Email PZMATH20@aacounty.org	MELANIE MATHEWS

Letter of Explanation

1080 Little Magothy View. Annapolis, MD. 21409

Patrick Tangney

Proposed Work

We are seeking a variance for a 13'w x 12'l boat lift and the associated poles with less setbacks than required. Two of the four poles required will be in the setback. Poles will require a variance of 13 feet into the setback or 2 feet off the northern extended property line. All work a max of 44' channel ward of the mean high-water line.

Hardship

Mr. Tangney's property has a waterfront footage of 46.82 feet. The northern extended property line was drawn as a direct extension following last course and the southern property line was extended with a 90-degree angle from the shoreline, extended property lines were confirmed with county reviewer. The 90-degree method angles the southern extended property line towards Mr. Tangney's waterfront significantly reducing the buildable area as the channel ward distance increases. It is worth mentioning that even without the hardship of the southern extended property line angle toward Mr. Tangney's waterfront there would only be 16 feet of buildable area after setbacks are drawn in. With the correct extended property line drawn in with the 15' setbacks there is no location on the proposed pier to place outside mooring or boat lift poles that would not require a variance, while achieving the necessary water depth. The addition of the boat lifts/slips does not change the character of the Cape St. Claire community 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

Map Title

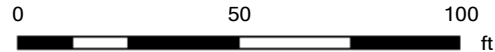


Legend

- 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



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes