

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

APPLICANT: Carolyn Bolognese

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0058-V

COUNCIL DISTRICT: 6

HEARING DATE: August 7, 2025

PREPARED BY: David Russell
Planner

DR

REQUEST

The applicant is seeking a variance to allow a pier and pilings (2) with less setbacks than required on property located at 133 Island View Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of roughly 11,800 square feet of land, and is identified as Lot 214 in the Cape St. John neighborhood (Parcel 76 in Grid 24 of Tax Map 50). The property is zoned R2 - Residential. This waterfront property, on the South River, lies entirely within the Chesapeake Bay Critical Area IDA - Intensely Developed Area, mapped as a BMA - Buffer Modified Area. It is improved with a two-story dwelling, with two water-facing decks, terraced water-front yard, and approximately 70 linear feet of steps leading to a landing near the water.

PROPOSAL

The applicant proposes the construction of a 6' x 70' pier, two (2) mooring pilings, for a proposed 12' x 12' boatlift.

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 6' x 70' pier will cross the eastern lot line extended, necessitating a variance of fifteen (15) feet¹. The two (2) proposed mooring pilings will be as close as zero (0) feet to the western side lot line extended, necessitating a variance of fifteen (15) feet. The western edge of the pier will be as close as twelve (12) feet to the western side lot line extended, necessitating a variance of three (3) feet.

FINDINGS

At 11,800 square feet, the subject property's area exceeds the minimum required 10,000 square feet for R2 properties served by public sewer. However, at approximately 60 feet wide, the property does not meet the minimum required width of 70 feet. From the property's Mean High Water Line, the side property lines extended into the water converge, creating a triangular shape of developable area. The widest distance between the side property lines extended is between

¹ The proposed pier extends past the eastern side property line extended.

25.5 feet and 27.5 feet, at the Mean High Water Line. A 15 foot setback requirement for side property lines extended creates overlapping east and west side setbacks, leaving no developable area. Given the narrow configuration, any improvements in this area requires a variance. County aerial imagery shows the majority of waterfront properties along the cove have piers, mooring pilings, and other associated improvements. The subject property currently has no waterfront improvements of the like.

The subject property and the adjacent property to the west (135 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.

The site plan shows the proposed pier to be located 28 feet from the adjacent pier to the west. The proposed mooring pilings are shown as close as 0 feet from the western side lot line extended, which is approximately 2 feet from the mooring pilings approved under pier variance case 2025-0032-V, on the adjacent property west.

Located 28 feet from the western side lot line extended, the proposed 6 foot wide pier encroaches into the eastern side setback, with a 19 foot portion at the end of the pier partially crossing the eastern side lot line extended. Approximately 30 square feet of the proposed 420 square foot (70' x 6') pier is proposed to extend across the eastern side property line.

The applicant's letter of explanation discusses a history of property disputes among 5 parcels, including the applicant's. The dispute between the applicant and the adjacent property owners west, the Wegners, was resolved through a settlement agreement. The applicant proposes a portion of the pier extending across the eastern side lot line extension, into the delineated water space for the neighboring property to the east. The applicant and adjacent property owner east, Michael Bolognese, do not appear to have any settlement agreement allowing for such encroachment. In an area with a past history of property disputes, encroachment across lot line extensions could result in future disputes or legal action.

Agency Comments

The **Development Division (Critical Area Team)** notes the property line extensions extend into a point-of-cove determined under building permit B02436731 and Variance case 2025-0032-V for 135 Island View Drive. The critical area section of OPZ has no objections to the requested variance.

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 subject property exceeds the minimum area required for the R2 district, but is slightly more narrow than the required width. The property's rectangular shape makes it less irregularly shaped than many waterfront properties, including those adjacent east and west.

The most unique aspect of the subject property's configuration is the minimal amount of waterfront frontage. The applicant mentions having between 25.5 feet and 27.5 feet of waterfront frontage. The letter also describes the neighboring properties to the west and east having over 70 feet and 65 feet of waterfront frontage, respectively. Much of the applicant's letter of explanation cites the development on adjacent properties as justification for the construction of a pier.

Within the County, it is not uncommon for neighboring properties to vary in topography, vegetation, waterways, and boundary configuration. All of these factors, and others, must be considered in the development of a property. Given the wide range of development factors and limitations, from lot to lot, it is not always reasonable to expect that adjacent properties can all be developed in the same fashion or accommodate all of the same amenities.

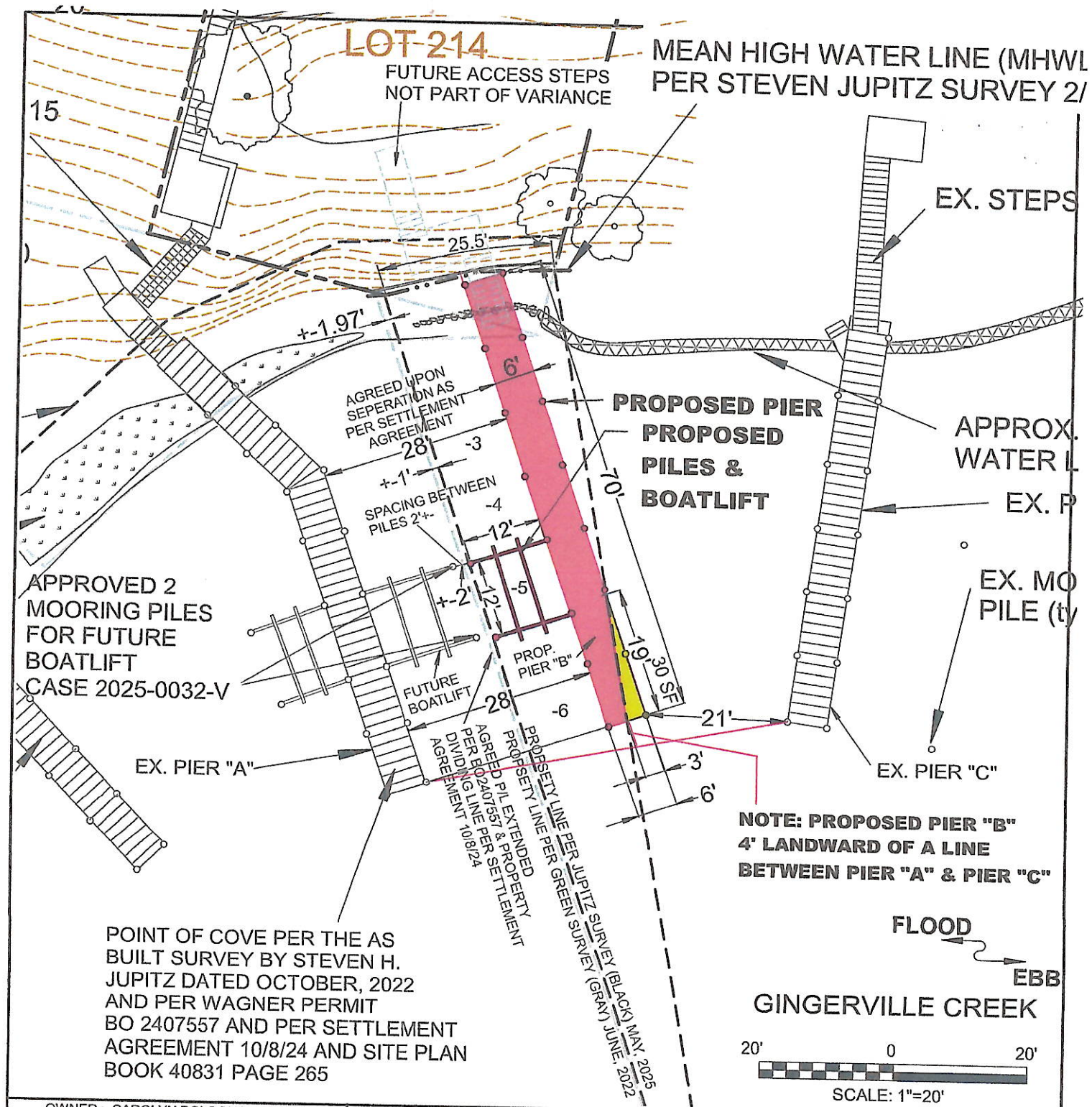
At the same time, the subject property does have riparian rights, allowing waterfront access and common waterfront amenities and additions. Trying to appropriately locate a new 6 foot wide pier within such a narrow developable area makes strict adherence to setback requirements impossible. The settlement agreement between the applicant and the Wegners, neighboring to the west, legally removed the potential for conflict over pier placement and proximity. Since no similar legal agreement exists between the applicant and the adjacent property owner east, Michael Bolognese, constructing a portion of the proposed pier outside of the eastern side lot line extended could result in a boundary dispute.

Based on the legal agreement between the applicant and neighboring property owners to the west, the Wegners, encroachment into the western side setback can be justified. However, justification for construction of a portion of the pier across the eastern side property line extended is unclear. To minimize or avoid encroachment into the adjacent property's navigable waters, the pier could be shortened to around 52 feet, and end at the southernmost piling connecting the boatlift to the pier, as shown in the site plan. Given the potential for reconfiguration that could avoid encroachment east, the request cannot be considered the minimum necessary to afford relief. However, 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 **conditional approval** of the requested variances to § 18-2-404(b) to allow a pier and two (2) mooring pilings with less setbacks than required, provided the pier is shortened to a length of fifty-two (52) feet or does not cross the eastern side lot line extended, as shown in 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.



OWNER : CAROLYN BOLOGNESE
MAILING ADDRESS: 133 ISLAND VIEW DR.
ANNAPOLIS, MD 21401
SITE ADDRESS: 133 ISLAND VIEW DR.
ANNAPOLIS, MD 21401

MAP: 50 GRID: 24 PARCEL: 76 SEC F LOT 214
DEED REFERENCE: 30809 / 00080
DISTRICT - 02 TAX# - 10424400
ZONING: R2 CRITICAL AREA - IDA

PROPOSED VARIANCE PLAN

NOTES:

IN: GINGERVILLE CREEK
TOWN: ANNAPOLIS
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
APPL. BY: CAROLYN BOLOGNESE
133 ISLAND VIEW DR.
ANNAPOLIS, MD 21401

DATE: MAY 26, 2025 DRAWING 7

**CHESAPEAKE BAY
ENVIRONMENTAL**
ENVIRONMENTAL CONSULTANTS - PERMIT FACILITATORS
2818 SOLOMONS ISLAND RD.
EDGEWATER, MD 21037
443-852-1047
DTPHIPPS@GMAIL.COM

**Chesapeake Bay Environmental
2818 Solomons Island Rd
Edgewater, MD 21037**

Updated Letter of Explanation"

May 26 , 2025

ANNE ARUNDEL COUNTY VARIANCE REQUEST

Carolyn Bolognese

133 Island View Dr

Annapolis, MD 21401

Tax Account: 2154-1042-4400

Map: 50 Parcel: 76 Lot: 214 Subdivision: Cape St. John

I. Proposed Variance to Anne Arundel County Code 18-2-404 Section (b)

- 1) (b) A pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier:

Requested 1st Variance: Proposed 15' Variance to the required 15' Eastern Setback to construct a 6' wide by 70' long pier.

Requested 2nd Variance: Proposed 14' Variance to the required 15' Western setback for two boat lift pilings.

Requested 3rd – Variance: Proposed 0'-3' by 19' (30 sq. ft.) Triangle Shaped Pier Area outside of Property Line Extension to Point of Cove.

II. Carolyn Bolognese "Applicant" seeks relief from the portions of the above Anne Arundel County Code for the following reasons:

- 1) The Applicant Carolyn Bolognese (Lot 214) seeks a pier similar to piers on both existing adjacent properties.**
- a) Michael Bolognese, (Lot 215), the adjacent owner to the East the Applicant (133 Island View Dr.), has an existing +/- 6' wide by +/- 75' long pier with two mooring

pilings on the East side of neighbor' pier. Mr. Michael Bolognese has area for two boat slips (one on either side of his pier).

- b) Keith & Brooke Wegner (Lot 213R), the adjacent owner to the West, have an existing +/-6' wide pier +/-75' Long Pier with two mooring piles and a boat lift. Additionally, the Weger's have obtained a variance (2025-0032-V) for two additional piles on the East side of their pier for a boat lift to be located (adjacent to Carolyn Bolognese proposed pier). A settlement agreement between Carolyn Bolognese and Keith & Brooke Wegner regarding certain disputed riparian rights (Anne Arundel County case C-02-CV-22-001863) has been recorded in the Anne Arundel County Courthouse in Book 40831 Page 260. As shown on the page 7 of the application, the proposed Bolognese pier, and boat lift pilings will not interfere with the Wegener's variance approved boat lift and agrees with the aforementioned settlement between the parties.

2) The Bolognese lot is unique because of its narrowness along the waterfront.

The Bolognese lot is the only lot on this portion of the creek without a pier and dockage for space for two vessels. See Exhibit 7.

- a) The Cape St. John Community Association has +/- 75 feet waterfrontage and has an existing pier.
- b) The Millman (Lot 212R) has +/- 35' of waterfrontage and has an existing pier.
- c) The Wegner (Lot 213R), the adjacent property to the West of the Bolognese (Lot 214) has an undetermined amount of waterfrontage which is believed to be no less than +/-70' and has an existing pier.
- d) The Michael Bolognese (Lot 215) adjacent property to East of the Bolognese Lot has +/-65 feet of waterfrontage and has an existing pier.
- e) Due to its unique orientation on the cove, The Bolognese Lot has approximately 25.5' to 27.5 feet of waterfrontage on Gingerville Creek. David Green surveyed the 27.5 distance in June 2022. Steve Jupitz, using the Green property survey as a base, determined the location of the point of cove and determined the property line extended for used to obtain Wegner pier permit BO2412985. This is the extended line used for approved Wegner Variance 2025-0032-V. The Green Survey was also used to determine to be the "Dividing Line Extension" between the Bolognese and the Wegner properties per a settlement agreement per case C-02-CV-22-001863.
- f) *An updated survey prepared by licensed surveyor Steve Jupitz is included with this revised submittal. The Proposed Bolognese variance request conforms to the*

updated (most recent) survey which shows slightly less waterfrontage than prior surveys.

- 3) The applicants Lot 214 (Bolognese) predates zoning code and was created prior to 1952.** The subject property was granted to Theodore A. Segrist dated November 16, 1951, and recorded in the land records of Anne Arundel County Book 656 page 68.
- 4) Denial of the Bolognese Variance would be a denial of the same rights and privileges enjoyed by both adjacent property owners and also all other properties located in this section of Gingerville Creek.**

III. History of Property disputes among 5 parcels on this portion of Gingerville Creek.

On November 10, 1981, and on September 29, 1981, settlement agreement(s) were recorded at the Anne Arundel County Courthouse in Book 3469 Page 890 and Book 3475 Page 313 that quieted title to the following waterfront properties: Part of Parcel 76, (Cape St. Johns Citizens Association Inc.), Lot 212R (Millman), Lot 213R (Wegner), Lot 214 (Carolyn Bolognese "Applicant". Lot 215 Michael Bolognese (does not appear to be a part of any legal dispute.

In 2022, a legal dispute arose (Case C-02-CV-22-001863) between the Owners of Lot 213R (Wegner) and Lot 214 (Bolognese "the applicant") over, among other things, the legality of prior settlements, riparian rights, and access to a pier located on Lot 213R (Wegner).

The litigation between the Wegner & Bolognese was settled on October 8, 2024. As part of the Settlement, it was agreed that both parties could make certain pier and boat lift improvements on their respective properties inside a certain property dividing line. This "Property Dividing Line Extended" is shown in the enclosed Exhibit 10. Per the Settlement Agreement, the Parties agreed that the Weger and Bolognese piers could be "No closer than 28' apart" (leaving each property with a maximum of 14' of space for a boat lifts/slip). The Wegner's approved boat lift per Variance 2025-0032 locates the Wegner boat lift at 14' which is 1' inside the Wegner's 15' property line set back.

It is important to note that the location of the Wegner Setbacks per Permit (B0240557) was determined by survey prepared by licensed surveyor David Green dated 6/1/22. Moreover, this "Green Survey" was used by mutual agreement between both Wegner & Bolognese for the Wegner Permit. Steve Jupitz later used the Green survey to locate the point of cove and determine the setback delineation. Using the Green Survey avoided a dispute over the location of the property joint property line dividing the two properties. (See Exhibit 11).

As a result of the long history of disputes regarding the properties in this portion of the cove, and due to the changing nature (erosion & accretion) of the Mean High Water Line (MHL), CBE recommended the Bolognese obtain an updated (more recent) MHW Survey closer to the date of the Bolognese variance application.

Enclosed with this submittal is the updated survey prepared by licensed surveyor, Steve Jupitz and sealed May of 2025. The Jupitz survey determined that the length of the waterfrontage of the Bolognese property at 133 Island View Dr. to be 25.5'. (See Exhibit 12).

Please note that a prior survey prepared by Survey Associates (licensed surveyor David Green) determined the length of the water frontage of the Bolognese property at 133 Island View Dr. to be 27.50' (7.28'+20.22'). (See Exhibit 11).

The difference between the updated Jupitz & former Green survey at the intersection of the property line and MHW is 2.00'. When the Bolognese Property (updated Jupitz) Line is extended from the MHW to the Point of Cove, the line narrows to approximately +/- 1.0 at the location of the landward pilings of both parcels boat lifts. Additionally, the Wegner variance approval shows a 1' setback from the "Agreed Property Dividing Line". Therefore, the space between the Bolognese boat lift piles and Wegener boat lift piles results a +/- 2' of separation (or adequate room) for the boat lift piles to be constructed between two properties.

In other words, the Proposed Bolognese 12' Boat lift is located with a 2' separation from the approved Wegner boat lift piles (per 2025-0032-V) and the Proposed Bolognese boat lift piles (per 2025-0058-V).

Please note that the proposed Bolognese Boat lift is 12' wide, which is 2' less than the 14' wide lift approved for the Wegner's and is less than the maximum 14' permitted in the Recorded Settlement Agreement Book 40831 Page 260. 12' is the minimum necessary for relief.

Please note that the exhibit recorded per the Settlement Agreement Site Plan Book 40831 page 263 is an estimated graphical interpretation. The proposed variance plans are highly accurate and in order to meet the intent of the settlement the applicant must, in addition to two setback variances, obtain a 30 sq ft Variance at the end of the Channelward end of the pier where the pier extends 3' beyond the property line extended to the "Point of Cove".

Please note that all properties West and East of the Bolognese property have piers with a minimum space for two boats (one on each side of their pier) . The Bolognese is the only property on this portion of Gingerville Creek without a pier. The Bolognese proposed boat lift is 12' wide is 2' less than the boat lift approved at the Wegner's. There is a 2' space between the space between the Bolognese piles and Wegner piles to mitigate any possibility of contractor error in installing the proposed pilings. The Bolognese are willing to install their pier and pilings under the supervision of a licensed survey to avoid contractor error.

Denying pier for the Bolognese would be an unwarranted hardship and deny the Bolognese of the riparian rights enjoyed by all other waterfront property owner's in the Creek.

The Bolognese pier meets the general spirit and intent of the Settlement Agreement between the two neighbors. However, the Bolognese Boat lift is to be 12' Wide.

The Bolognese proposed pier is 4' landward of a line between the pier at 135 Island View Dr. (Wegner) and 131 Island View Dr. (Michale Bolognese).

IV. The following attachments were previously submitted with the Prefile Application:

- 1) Proposed Variance - Administrative Site Plan.**
- 2) Topographical Map..**
- 3) Zoning Boundaries.**
- 4) Critical Area**
- 5) Vegetated Areas: +/-3,676 sq ft of Trees & +/-2,467 sq ft of Shrubs
Impervious Area: +/-3,658sq ft.**
- 6) Vicinity Map.**
- 7) Existing Pier Structures along the waterfront in Gingerville Creek..**
- 8) Property Owner's Deed.**
- 9) List of Property Owners within 300.'**
- 10) Settlement Exhibit showing agreed property extension dividing line.**

V. The following is additional document submitted with this "Updated Letter of Explanation"

- 11) Survey Associates Survey Sealed by David Green (Bolognese Property 2022)**
- 12) Sealed Steve Jupitz Survey (Bolognese Property 2025)**

VI. **Critical Area Report : For property in the Chesapeake Bay Critical Area**

1) Topographic map Exhibit 2

2) A paragraph or less addressing each point listed below:

- a) Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

Response: The existing proposed use is residential R2 waterfront-Critical Area IDA.

- b) Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.

Response: There is +/- 3,676 square feet of existing native trees and 2,467 square feet of native shrubs. There is no proposed disturbed area and no proposed additional lot coverage. There is no proposed mitigation. The lot conforms to the lot coverage standards of Anne Arundel County.

- c) Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e., stormwater management, sediment control, and silt fence).

Response: There are no negative impacts to water quality. The proposed variance if permitted as requested will have no impact on water quality provided the pier is approved at the requested length. A shorter pier will result potential disturbance of Shallow Water Habitat.

Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.

Response: The lot conforms to the existing impervious area requirements. There is no proposed additional lot coverage.

- d) If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare, and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.

e) ***Additional Statements:***

- a) ***There are no habitat protection areas on site.***
- b) ***There are no expanded buffers on site.***
- c) ***All steep slopes are located within the 100' buffer.***
- d) ***There are no waterbird nesting sites, no historical waterfowl staging area, no riparian forests, no natural heritage area, and no plant and wildlife habitats of local significance.***
- e) ***No wetland vegetation is to be removed.***

(3) the granting of a variance will not confer on an applicant any special privilege that would be denied by: (i) COMAR, Title 27, or the County critical area program to other lands or structures within the County critical area.

The applicant meets the spirit and intent of COMAR and Anne Arundel County provisions for granting of the variance request. If granted, all property owners on the creek shall have similar riparian entitlements accessing the waterway.

(4) that the variance request:

(i) is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance was filed.

Response: Acknowledged – no structures have been constructed

(5) that the granting of the variance:

(i) will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area.

Response: The pier is designed for the moorage of vessels in deep water outside of shallow water habitat.

(ii) will be in harmony with the general spirit and intent of the County critical area program and enables all properties in this portion of Gingerville Creek to have a pier

Response: CBE believes the variance request meets the general intent of the Critical area program. The Variance, if granted will not deny (Carolyn Bolognese) her riparian right to the waterway and will eliminate the one property remaining without a pier.

(e) Required findings.

CBE believes that the Proposed Pier

(1) Is the minimum variance necessary to afford relief.

(2) The granting of the variance will not:

- (i) alter the essential character of the neighborhood or district in which the lot is located.
- (ii) substantially impair the appropriate use or development of adjacent property.
- (iii) reduce forest cover in the limited and resource conservation areas of the critical area.
- (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or bog protection area; or
- (v) be detrimental to the public welfare.

In closing, The Bolognese property is unique in that is the narrowest of the lots on this portion of the cove, which restricts the available space for a pier and boat lift (2 pilings) and complicates the owners access and use of their waterfront. The property has an irregular curved shoreline resulting in a small wedge shaped buildable area over the water which creates a practical difficulty in accommodating piers and boat lifts/slips. The variance, if approved, will not substantially impair the use or development of either adjacent properties, or impact navigation or use the use and enjoyment of the adjacent lots and will not alter the essential character of the neighborhood. Approval of the pier and pilings to install a boat lift serves two purposed. One it creates a 12' wide slip width boundary preventing a boat with a beam in excess of 12' wide on being moored on the applicants pier which may aggravate the neighbor by encroaching over an agreed upon property dividing line. Second, boatlifts are favored by environmentalist and government review agencies because a boatlift keeps boats out of the water, reducing the deterioration of the bottom paint and possible degrading water quality.

For all the aforementioned reasons, the Bolognese respectfully request that the proposed variance be approved.

If County staff has any questions or comments or would like to have additional information please contact me.

Respectfully submitted,

David T. Phipps,

Chesapeake Bay Environmental

443-852-1047

dtphipps@gmail.com

NO TITLE EXAMINATION

This is a transfer from Husband and
Wife to Husband and not subject to the
imposition of transfer and/or recordation tax.

LR - Deed (No-Taxes)
Recording Fee 20.00
Name: BOLOGNESE

Ref:
LR - Deed (No-Taxes)
Surcharge 40.00

SubTotal: 60.00

Total: 60.00

03/16/2017 09:14

CC02-SB

4787488 CC0501 - Anne

Arundel

County/CC05.01.09 -

Register 09

THIS DEED

MADE this 6th day of MARCH 2017, by and between MICHAEL
A. BOLOGNESE ("Husband") and CAROLYN J. BOLOGNESE ("Wife"), parties of the
first part ("Grantors"), and MICHAEL A. BOLOGNESE, party of the second part
("Grantee");

WITNESSETH, that in consideration of the sum of ZERO (\$0.00) DOLLARS
and 00/100 CENTS, and other good and valuable consideration, the said parties of the
first part do grant and convey unto the party of the second part, in fee simple, absolute all
of their right, title, and interest in all that property situated in Montgomery County, State
of Maryland, described as:

BEGINNING FOR THE FIRST AND BEING KNOWN AND
DESIGNATED as Lot 215, on the Subdivision Plat of Section F of Cape
St. John, which Plat was recorded amount the Plat Records of Anne
Arundel County in Cabinet No. 3, Rod F-6, Plat 12, now Plat Book 21,
folio 31.

BEGINNING FOR THE SECOND AND BEGINNING for the same at
the Northeast corner of Lot No. 216, Section F, as shown on a Plat of Cape
St. John made by Albert E. Pohmer, Surveyor and Civil Engineer, said plat
having been recorded among the Plat Records of Anne Arundel County in
Plat Book 21, page 31, and thence from said beginning point Southeasterly
bounding on Island View Drive, as shown on said Plat, a distance of
Thirty (30) feet; thence Southwesterly and running parallel to the division
lines between lot 216 and 217 and 215, respectively, of Section F, Cape
St. John, as shown on said plat, thence westerly binding along the waters
of Gingerville Creek to the division line between Lots 216 and 215 of
Section F, Cape St. John, as shown on said plat; thence Northeasterly
along said division line a distance of One Hundred Seventy-Five (175)
more or less, to the place of beginning. BEING and intended to be a strip
of land Thirty (30) feet wide and with an irregular depth, consisting the
Northwestern one-half of said Lot 216, Section F, Cape St. John,
immediately adjacent to Lot 215, Section F, Cape St. John, as shown on
said Plat.

THE IMPROVEMENTS thereon being known as 131 Island View Drive.

Being the same property described in Liber 15626, Folio 140.

ACCT. 215410947600
ALL LIENS ARE PAID AS
OF 3/15/17 A.A. COUNTY
BY: RE

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 30735, p. 0192, MSA_CE59_31177. Date available 03/21/2017. Printed 03/31/2017. R 0003
03/15/17 09:14
Val #: 0003-191853 \$0.00
Deed - Recordation Tax - Exempt
Instrument Type: Deed

TOGETHER with the building and improvements thereupon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

BEING the same property conveyed to the parties of the first part by deed dated February 21, 2006, and recorded February 27, 2006, in Liber 17521, at Folio 361, among the Land Records of Anne Arundel County, Maryland.

AND the said parties of the first part covenant that they will warrant specially the property hereby conveyed, and that this conveyance is made subject to the restrictions and conditions contained in the deeds forming the chain of title to this property; and that they will execute such further assurances of said land as may be requisite.

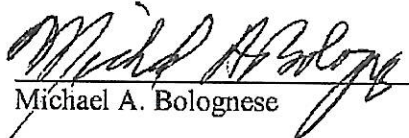
This Deed transfers an interest in real property between spouses or form spouses pursuant to a separation agreement adjusting the parties' respective rights and equities in the real property, and is therefore exempt from property taxes pursuant to Md. Code Ann., Tax-Prop. §§ 12-108(d) and 13-207(a)(3).

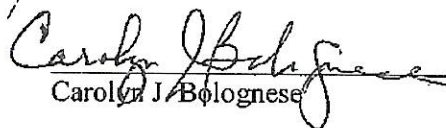
Property Address: 131 Island View Drive, Annapolis, Maryland.

Grantee's Address: 1915 Towne Centre Blvd., Unit 704, Annapolis, Maryland.

Property I.D. No.: 2-154-1094-7600.

WITNESS our hands and seal.

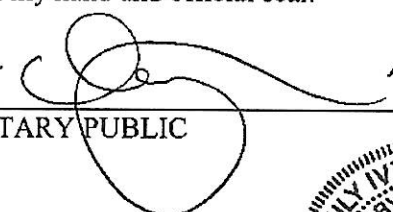
 (SEAL)
Michael A. Bolognese

 (SEAL)
Carolyn J. Bolognese

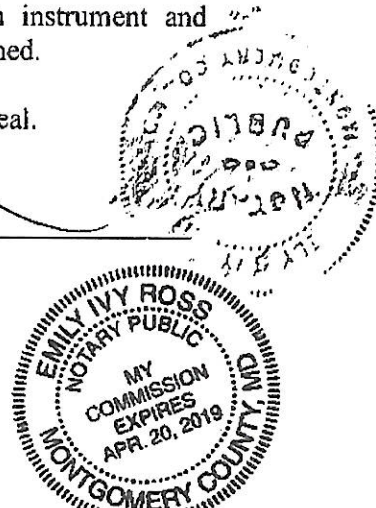
STATE OF MARYLAND :
COUNTY OF Montgomery : TO WIT:

On this the 1st day of March, 2017, before me, the undersigned officer, personally appeared MICHAEL A. BOLOGNESE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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


NOTARY PUBLIC

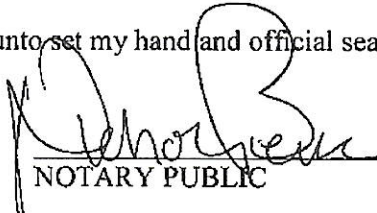
My Commission Expires:



STATE OF MARYLAND :
COUNTY OF Montgomery : TO WIT:

On this the 10th day of March, 2017, before me, the undersigned officer, personally appeared CAROLYN J. BOLOGNESE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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


NOTARY PUBLIC

My Commission Expires:

10/11/2020



THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Heather R. Sweren

AFFIDAVIT OF CONSIDERATION

I, MICHAEL A. BOLOGNESE, hereby certify under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the party of the second part, is in the sum total of ZERO (0) DOLLARS and 00/100 CENTS.

WITNESS:

Heather RL

Michael A. Bolognese
Michael A. Bolognese

AFTER RECORDATION, PLEASE RETURN TO:

Thomas W. Simmons, Esquire
Liff & Walsh, LLP
181 Harry S. Truman Parkway
Suite 200
Annapolis, Maryland 21401

HRS
1102/0224
deed-131-islandview-hrs-170224

**Chesapeake Bay Environmental
2818 Solomons Island Rd
Edgewater, MD 21037**

CRITICAL AREA NARRATIVE

March 31, 2025

ANNE ARUNDEL COUNTY VARIANCE REQUEST

Carolyn Bolognese

133 Island View Dr

Annapolis, MD 21401

Tax Account: 2154-1042-4400

Map: 50 Parcel: 76 Lot: 214 Subdivision: Cape St. John

I. **Critical Area Report : For property in the Chesapeake Bay Critical Area**

1) Topographic map See Exhibits

2) A paragraph or less addressing each point listed below:

- a) Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

Response: The existing proposed use is residential R2 waterfront-Critical Area IDA.

- b) Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.

Response: There is +/- 3,676 square feet of existing native trees and 2,467 square feet of native shrubs. There is no proposed disturbed area and no proposed additional lot coverage. There is no proposed mitigation. The lot conforms to the lot coverage standards of Anne Arundel County.

- c) Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e., stormwater management, sediment control, and silt fence).

Response: There are no negative impacts to water quality. The proposed variance if permitted as requested will have no impact on water quality

provided the pier is approved at the requested length. A shorter pier will result potential disturbance of Shallow Water Habitat.

Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.

Response: The lot conforms to the existing impervious area requirements. There is no proposed additional lot coverage.

- d) If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare, and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.

Response:

- a) There are no habitat protection areas on site.***
- b) There are no expanded buffers on site.***
- c) All steep slopes are located within the 100' buffer.***
- d) There are no waterbird nesting sites, no historical waterfowl staging area, no riparian forests, no natural heritage area, and no plant and wildlife habitats of local significance.***
- e) No wetland vegetation is to be removed.***

- (3) the granting of a variance will not confer on an applicant any special privilege that would be denied by: (i) COMAR, Title 27, or the County critical area program to other lands or structures within the County critical area.

The applicant meets the spirit and intent of COMAR and Anne Arundel County provisions for granting of the variance request. If granted, all property owners on the creek shall have similar entitlements accessing the waterway.

- (4) that the variance request:

- (i) is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance was filed.

Response: Acknowledge – no structures have been constructed

- (5) that the granting of the variance:

- (i) will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area.

Response: The pier is designed for the moorage of vessels in deep water outside of shallow water habitat.

(ii) will be in harmony with the general spirit and intent of the County critical area program and enables all properties in this portion of Gingerville Creek to have a pier

Response: CBE believes the variance request meets the general intent of the Critical area program. The Variance, if granted will not deny (Carolyn Bolognese) her riparian right to the waterway and will eliminate the one property remaining without a pier.

(e) Required findings.

CBE believes that the Proposed Pier

(1) Is the minimum variance necessary to afford relief.

(2) The granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located.

(ii) substantially impair the appropriate use or development of adjacent property.

(iii) reduce forest cover in the limited and resource conservation areas of the critical area.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or bog protection area; or

(v) be detrimental to the public welfare.

If County staff has any questions or comments or would like to have additional information please contact me.

Respectfully submitted,

David T. Phipps,

Chesapeake Bay Environmental

443-852-1047

dtphipps@gmail.com

EXHIBIT 2



TOPOGRAPHY

Exhibit 3



ZONING R-2

Exhibit 4



APPROX. LOT COVERAGE

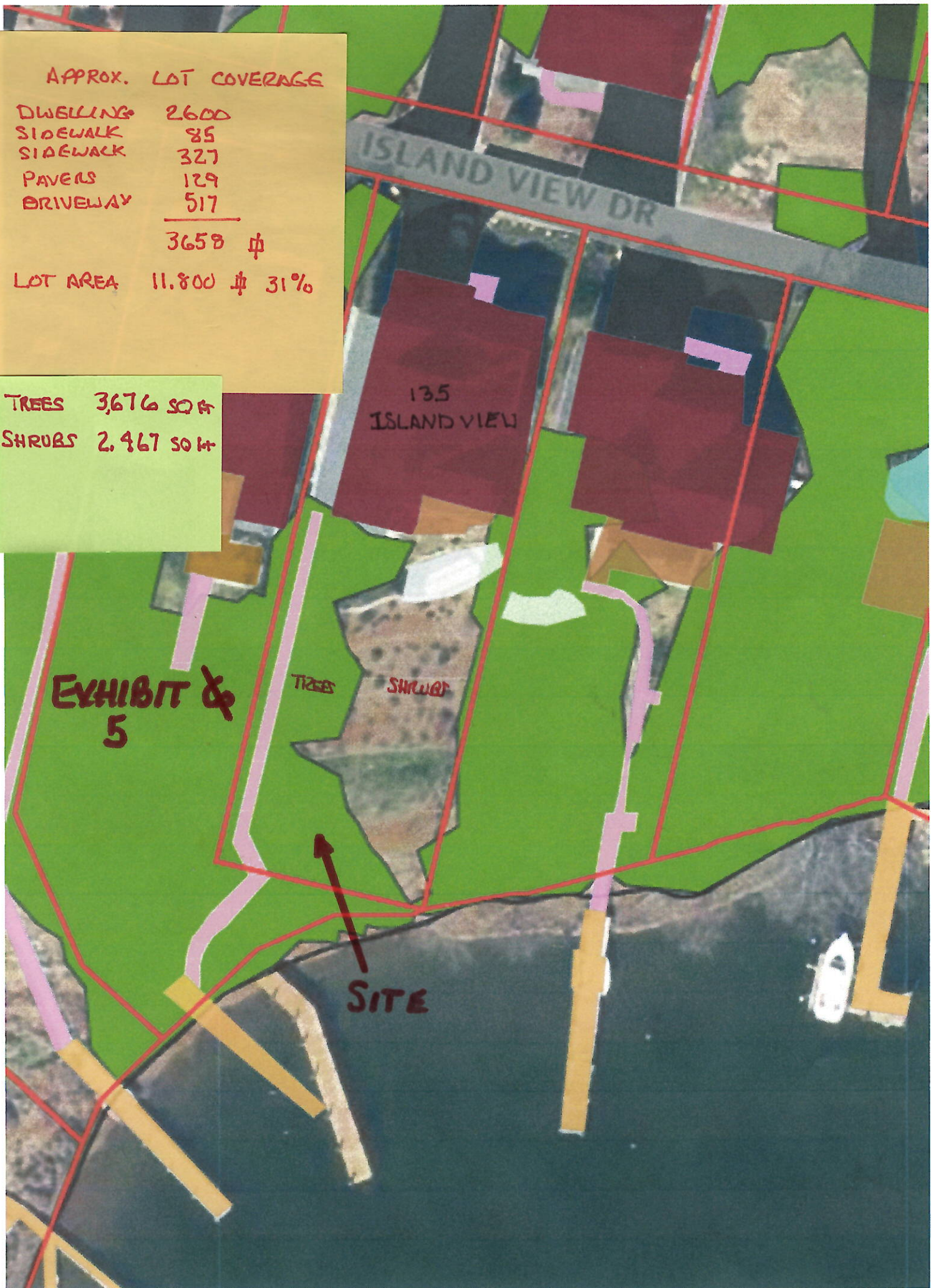
DWELLING	2600
SIDEWALK	85
SIDEWALK	327
PAVERS	129
DRIVEWAY	517

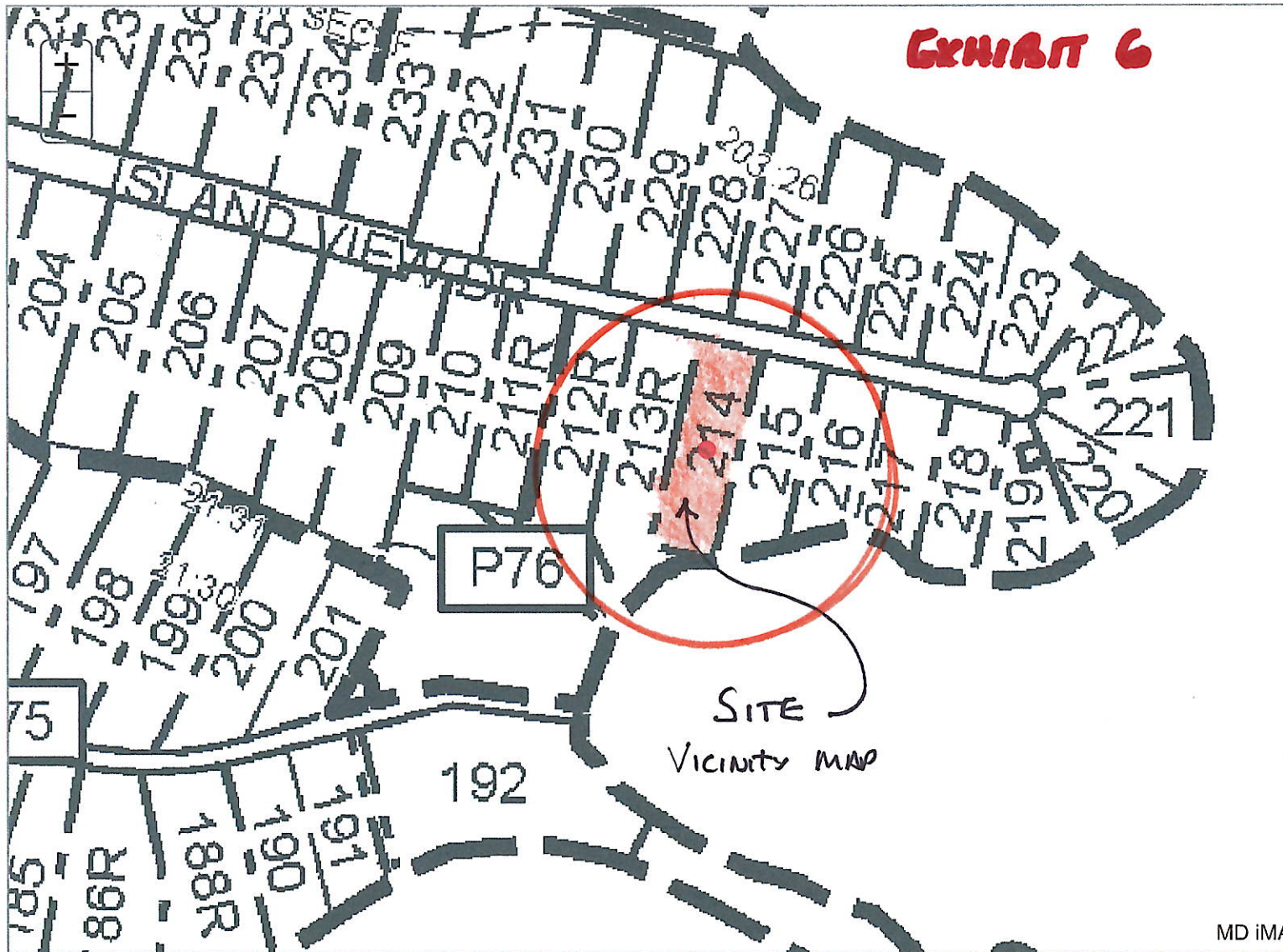
3658 sq ft

LOT AREA 11,800 sq ft 31%

TREES 3,676 sq ft

SHRUBS 2,467 sq ft



District: **02** Subdivision: **154** Account Number: **10424400**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

VICINITY MAP

Anne Arundel County Engineering Record Drawing and Monuments



EXHIBIT 9



MAUPIN ARTHUR R ,
C/O JOHN M BIXLER ESQ
655 15TH ST NW
WASHINGTON DC 20005

SURRIDGE SALLY B TRUSTEE ,
203 CAPE SAINT JOHN RD
ANNAPOLIS MD 21401

ANNE ARUNDEL COUNTY ,
DEPT OF PUBLIC WORKS
1 HARRY S TRUMAN PKWY
ANNAPOLIS MD 21401

ANNE ARUNDEL COUNTY ,
REAL ESTATE DIVISION
2662 RIVA RD 4TH FLOOR
ANNAPOLIS MD 21401

DIETRICH DEBORAH YOWAISKI TRUSTEE ,
123 ISLAND VIEW DR
ANNAPOLIS MD 21401

GOULD JR LAWRENCE R ,
142 ISLAND VIEW DR
ANNAPOLIS MD 21401

SABA FARHAD , SABA DEBORAH L
9643 GEORGETOWN PIKE
GREAT FALLS VA 22066

WEBSTER BRUCE L , PETERSON JOAN S
122 ISLAND VW
ANNAPOLIS MD 21401

ODANIEL SAMUEL T , BROOKS LOUISE D
128 ISLAND VIEW DR
ANNAPOLIS MD 21401

HONIG SARAH C , HONIG RICHARD II
120 ISLAND VIEW DR
ANNAPOLIS MD 21401

EVANS MATTHEW R , GARCIA CYNTHIA
144 ISLAND VIEW DRIVE
ANNAPOLIS MD 21401

CAPE SAINT JOHN CITIZENS ASSN INC ,
PO BOX 130
RIVA MD 21140

SINGLETON ANGELA ,
136 ISLAND VIEW DR
ANNAPOLIS MD 21401

SURRIDGE SALLY B TRUSTEE ,
203 CAPE ST JOHN RD
ANNAPOLIS MD 21401

BALL WILLIAM P , BALL MARY CW
141 ISLAND VIEW DR
ANNAPOLIS MD 21401

ERWIN-CHRIST MARY , PITT BRADLEY JAY
127 ISLAND VIEW RD
ANNAPOLIS MD 21401

ERWIN-CHRIST MARY , PITT BRADLEY JAY
127 ISLAND VIEW RD
ANNAPOLIS MD 21401

PICKETT ERIC L JR , PICKETT SHANNON A
126 ISLAND VIEW DR
ANNAPOLIS MD 21401

SUGARMAN RONALD P ,
130 ISLAND VIEW DR
ANNAPOLIS MD 21401

BOLOGNESE CAROLYN J ,
133 ISLAND VIEW DR
ANNAPOLIS MD 21401

KILICAL ADIL AHMET , KILICAL HATICE FERHAN E...
134 ISLAND VIEW DR
ANNAPOLIS MD 21401

QUINN FRANCIS X , QUINN JUNE E
138 ISLAND VIEW DR
ANNAPOLIS MD 21401

PICKETT ERIC L JR , PICKETT SHANNON A
126 ISLAND VIEW DR
ANNAPOLIS MD 21401

WEBSTER BRUCE L , PETERSON JOAN S
122 ISLAND VW
ANNAPOLIS MD 21401

PORTER MARY T ,
139 ISLAND VIEW DR
ANNAPOLIS MD 21401

JONES ANGELA , KILICAL BARAN
132 ISLAND VIEW DR
ANNAPOLIS MD 21401

GOULD JR LAWRENCE R ,
142 ISLAND VIEW DR
ANNAPOLIS MD 21401

BOLOGNESE MICHAEL A ,
131 ISLAND VIEW DR
ANNAPOLIS MD 21401

HONIG SARAH C , HONIG RICHARD II
120 ISLAND VIEW DR
ANNAPOLIS MD 21401

CAPE ST JOHNS CITIZENS ASSN INC ,
PO BOX 130
RIVA MD 21140

MILLMAN SUSAN ,
137 ISLAND VIEW DR
ANNAPOLIS MD 21401

WEGNER KEITH TRUSTEE , WEGNER BROOKE TR...
135 ISLAND VIEW RD
ANNAPOLIS MD 21401

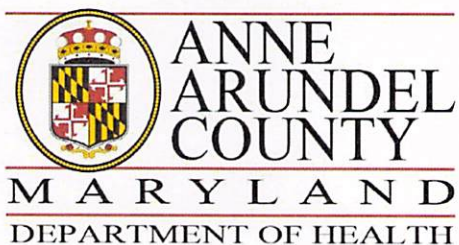
216 CSJ LLC ,
C/O GARDNER CENTER
1914 FOREST DR STE 2A
ANNAPOLIS MD 21401

OUTLAW PATRICK , AGRE ELIZABETH A
145 ISLAND VIEW DR
ANNAPOLIS MD 21401

216 CSJ LLC ,
C/O GARDNER CENTER
1914 FOREST DR STE 2A
ANNAPOLIS MD 21401

KNIGHT KURT D , KNIGHT CHRISTINE M
143 ISLAND VIEW DR
ANNAPOLIS MD 21401

ANNAPOLIS LIFE CARE INC ,
4000 RIVER CRESCENT DR
ANNAPOLIS MD 21401



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

A handwritten signature in blue ink, appearing to be "BC", located next to the "FROM" line.

DATE: May 29, 2025

RE: Carolyn J. Bolognese
133 Island View Drive
Annapolis, MD 21401

NUMBER: 2025-0058-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier and 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

133 Island View Dr.



Legend

Foundation

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



0 50 100
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2025-0032-V

KEITH WEGNER AND BROOKE WEGNER

SECOND ASSESSMENT DISTRICT

DATE HEARD: APRIL 22, 2025

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **JENNIFER LECHNER**

DATE FILED: **APRIL 29, 2025**

PLEADINGS

Keith Wegner and Brooke Wegner, the applicants, seek a variance (2025-0032-V) to allow mooring pilings with less setbacks than required on property with a street address of 135 Island View Drive, Annapolis, MD 21401.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certifications of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Brooke Wegner testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on April 22, 2025, in which witnesses were sworn and the following evidence was presented regarding the proposed variance requested by the applicants.

The Property

The applicants own the subject property which has frontage along the south side of Island View Drive in Annapolis (Tax ID: 2154-9003-0205). 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 comprises 14,856 square feet and is zoned R2-Residential District. This waterfront lot on Gingerville Creek is

designated in the Chesapeake Bay Critical Area as intensely developed area (IDA) and resource conservation area (RCA). The property is also mapped in a buffer modification area (BMA).

The subject property is currently developed with a two-story dwelling, a residential pier, and other associated improvements.

The Proposed Work

The proposal calls to install two (2) mooring pilings on the east side of the existing pier as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 18-2-404(b) 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.

The Variance Requested

The two proposed boatlift pilings will require a zoning variance of fourteen (14) feet to the 15-foot lot line extended setback of § 18-2-404(b) to construct the 2 pilings on the east side of the existing pier as close as 1-foot from the east side lot line extended as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Jennifer Lechner, a zoning analyst with OPZ, presented the following 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 boatlift 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 boatlifts 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 boatlift 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 applicants' 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.
- 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 B02407557¹ for the residential pier, and that their Office has no objection.
- The Health Department has no objection.
- 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 boatlift on the west side of their pier, they devised the possibility of a second slip through the agreement

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

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.

- Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, OPZ recommends *approval* of the requested variance.

Other Testimony and Exhibits

The applicants were assisted at the hearing by Mark F. Gabler, Esquire, of Hyatt & Weber, P.A. Evidence was presented that the applicants have recently constructed a pier from their property into the waters of Gingerville Creek. They wish to add two boatlift pilings on the east side. The area in which they can build the boatlift pilings is constricted by the applicants' property being located on a cove.

Carolyn Bolognese testified that she lives on the east side of the applicants' property and has no objection to the requested relief. David Phipps, a nearby neighbor, assisted Ms. Bolognese at this hearing and in her application for similar

relief to build a pier she is planning. Mr. Phipps appeared as both a neighbor and for his company Chesapeake Bay Environmental. Kurt Knight testified that he lives a few doors down the street and has no comment on the requested variance.

Susan Millman testified that she lives on the west side of the applicants' property and has no objection to granting the requested variance.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

Requirements for Zoning Variances

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain 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

(2) 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 variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. “Uniqueness” requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People’s Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People’s Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary’s County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, 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.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variances

The shoreline in front of the applicants' property on Gingerville Creek off the South River is curved. This causes lot lines to converge, which reduces the area in front of their property for the applicants to develop maritime uses, such as piers and boatlifts. The nature of the applicants' property, therefore, renders the applicants unable to develop a boatlift on the east side of their pier without a variance.

It should be noted, although not raised during the hearing, that the proposed boatlift pilings merely enclose the slip on the east side of the existing pier. The applicants could tie up a vessel on the east side of their pier that might be wider than the area given to them by extended lot lines. The setback provisions of § 18-2-404(b) only relate to structures, not what is tied up to an existing pier.

Furthermore, the pilings are to be for a boatlift which have become favored with environmentalists and government review agencies because a boatlift lifts a vessel out of the water, thereby reducing the deterioration of the bottom paint which is usually not a good thing for marine organisms.

Finally, the proposal may be hand in glove with the plans of the neighbor most affected by the placement of the boatlift pilings who has expressed no objection to granting the requested variance.

I find that the critical area variance is the minimum variance necessary to afford relief; the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located; the variance will not substantially impair the appropriate use or development of adjacent property; the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area; and the variance will not be detrimental to the public welfare.

ORDER

PURSUANT to the application of Keith Wegner and Brooke Wegner, petitioning for a variance to allow mooring pilings with less setbacks than required on property with a street address of 135 Island View Drive, Annapolis, MD 21401;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **29th day of April, 2025**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a zoning variance of fourteen (14) feet to the 15-foot lot line extended setback of § 18-2-404(b) to construct the 2 pilings on the east side of the existing pier as close as 1-foot from the east side lot line extended as shown on County Exhibit 2.

The foregoing variance is subject to the following conditions:

- A. The applicants 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 applicants shall comply with any instructions and necessary approvals from the Maryland Department of the Environment and the United States Army Corps of Engineers.

This Order does not constitute a building permit. In order for the applicants to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this 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 applicants 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 variance granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and the Department of Inspection and Permits.

/s/

Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANTS

This Order does not constitute a building permit. In order for the applicants to perform the work permitted in this decision, the applicants must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicants **within 18 months** of the granting of the variance or special exception (1) obtain a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicants obtain a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

**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
Planner

PREPARED BY: Jennifer Lechner

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 B02407557¹ 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.

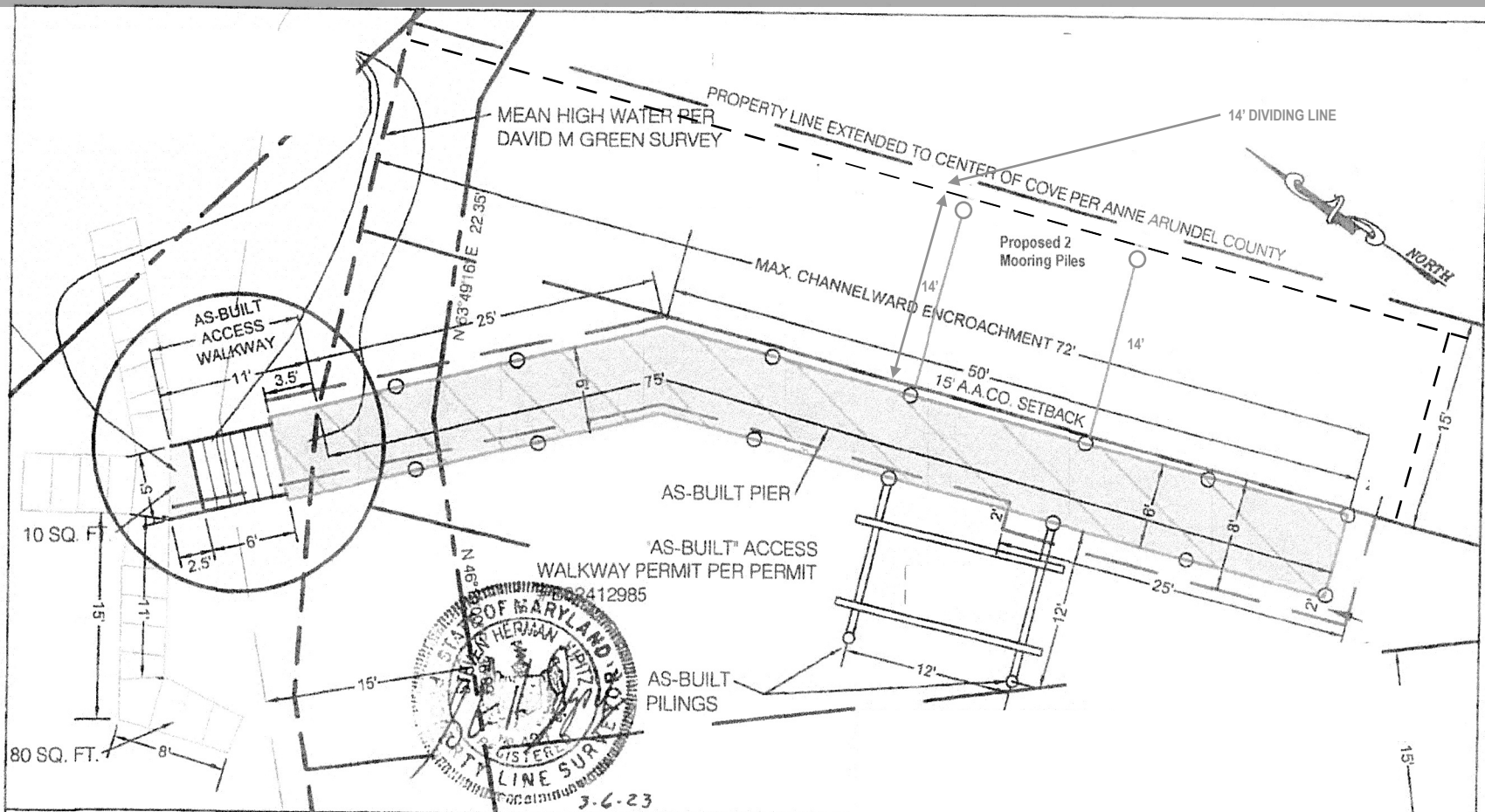
In this particular case, the subject property has an irregular shoreline and all of the nearby piers angle toward the center of the cove. The resulting wedge-shaped buildable areas over the water creates a practical difficulty in accommodating slips along the piers. Although the applicants already have 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.

¹ 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.



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

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

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

APPROVED

By ZHCOLB22 at 12:16 pm, Apr 29, 2025