

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

APPLICANT: Ogleton Property Owners
Association, Inc.

ASSESSMENT DISTRICT: 2nd

CASE NUMBERS: 2025-0139-S & 2025-0138-V

COUNCIL DISTRICT: 6th

HEARING DATE: October 28, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicant is requesting a special exception to perfect the expansion of a community pier in an R2 - Residential District and a variance to perfect a greater number of slips than allowed with a community pier, to perfect a second access point for a community pier, and to perfect a community pier and mooring pilings with less setbacks than required for property known as 3129A Catrina Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site is an irregularly shaped parcel consisting of 3.03 acres of land, more or less. The site has frontage on the northeast side of Catrina Lane, north of Farragut Road. The property is known as the Recreation Area in Section 1, Plat 2 of the Annapolis Cove Subdivision, which is identified on Tax Map 57, Grid 9, as Parcel 164.

The site is split-zoned, primarily R2 - Residential District, with a small area of OS - Open Space near the shoreline on the east side of the property.

The subject site is currently improved with community facilities; a community pier, an L-shaped pier¹, paved driveway, parking area, kayak racks, water access stairs, concrete court, and a playground. Access to the site is via Lake Ogleton or a paved driveway to Catrina Lane.

The site is a waterfront lot located on Lake Ogleton entirely within the Chesapeake Bay Critical Area, is designated primarily as LDA - Limited Development Area with two small areas of RCA - Resource Conservation Area on the outer points of the shoreline and is not in a mapped buffer modification area.

¹ The L-shaped pier is shown as a recreation pier. This pier has slips so may not be a recreational pier which is defined in Article 18 of the County Code as being used for “crabbing, fishing, sunning, swimming, and similar activities, but not for watercraft or boating activities of any kind”.

PROPOSAL

The applicant wishes to perfect the community pier in its current configuration. Since the most recent special exception approval (1989-0459-S) there have been pilings emplaced not according to the approval (C Dock has eight outward pilings, not in line, whereas the approval shows six pilings all in a line; three pilings have been added on the south side of A Dock; four slips labeled 52-55 have been created on the south side of D Dock; D Dock does not have an approved site plan from a previous approval; the addition of three pilings and boat rope guides for thirteen boat slips changes the recreational pier into a second pier for mooring boats as part of the community pier; and a floating pier addition next to the recreational pier. These improvements must be perfected by special exception so that repairs can be made to existing structures.

SPECIAL EXCEPTION STANDARDS

§ 18-11-140 of the Anne Arundel County Zoning Ordinance sets forth the specific requirements for a community pier and launching ramp special exception. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304 of the Zoning Ordinance.

REQUESTED VARIANCES

§ 18-11-140 (4) requires that disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility. A variance is required to convert the recreational pier into a boat-mooring facility with thirteen slips. This conversion involves adding pilings and boat rope guides, and it creates a second point of access for the facility.

§ 18-11-140 (9) sets forth the calculations for the number of slips allowed with a community pier. Based on the number of lots in the subdivision that are in the critical area (85), the allowed number of slips would be 30 or 50%, whichever is greater. The subdivision would be allowed 42 slips. The request is for a total of 68 slips, an increase of 18 slips from a previous approval of 50 slips and 26 slips greater than currently allowed.

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance requires that a pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier or at least 25 feet from a lot line extended for all other piers. The community pier must meet the 25-foot requirement. The site plan shows eight existing pilings associated with C Dock within the western 25-foot setback located as close as 10 ft from the property line extension and six existing pilings associated with D Dock within the eastern 25-foot setback located 17 feet from the property line extension. There is also an existing 40' wave screen shown encroaching into the eastern 25' setback. All of these pilings and the wave screen can be seen on a 1995 aerial.

§ 18-2-303 allows in-kind replacement if (1) the original structure has been in the same location for at least twenty years and (2) a building permit is obtained within eighteen months after the removal or destruction of the original structure. Therefore, a setback variance is not required.

FINDINGS

The Annapolis Cove Homeowners Association was originally granted a special exception in case 1984-0371-S with a companion variance case 1984-0372-V to allow a greater number of slips

than allowed and for the location of the driveway. The applicant was granted 44 slips. At the time slips were calculated based on the number of boats registered on Lake Ogleton and only 24 slips would have been allowed. The site plan for this case shows the recreational pier and #5 of the order specifically calls out the recreational pier by ordering that “the existing pier on the Applicant’s property to the east of the proposed community pier may not be used for the mooring or berthing of any boats”.

The property was granted approval for expansion of a community pier in case 1989-0459-S and a variance case 1989-0460-V granted approval for a greater number of piers than allowed. The total slips approved was 50 although the applicant requested 54 slips. However, the approval did not allow expansion further into Lake Ogleton (B Dock) and required the additional slips to be constructed to the east (D Dock). A revised site plan showing these changes is not available, however, the current configuration for D Dock can be seen on 1995 aerial photographs. This case referred to the pier to the east of the main pier as the “fishing pier”. In the order, #9 specifically calls out the recreational pier by ordering that “the existing pier on the Applicant’s property to the east of the proposed community pier (fishing pier) may not be used for the mooring or berthing of any boats”. This site plan does not show the cable on the south side of A Dock that was previously shown and labeled for 12 runabouts. The site plan does not show a western 25’ setback and no pilings are shown within the setback on the eastern side.

Variance case 1991-0058-V granted relief from the requirement of a permanent sanitary facility at the community pier. The decision requires a portable sanitary facility from April through October. The site plan for this case appears to be the same as that approved in the 1984 cases above and does not show any changes that were approved under the prior 1989 cases.

A variance request to replace and expand an existing concrete court within the buffer in case 2020-0149-V was denied.

The applicant writes that the current configuration was the culmination of the approved special exceptions and was constructed sometime between 1990 and 1995 when D dock was constructed.²

The current application includes a total of 68 slips, 55 slips at the main pier and 13 at the recreational pier which the applicant referred to as the dinghy pier.

The current configuration increased the number of pilings on the western side of C Dock from six to eight, now shown within the setbacks. Pilings can be seen on the west side in an aerial photograph as early as 1998. D Dock appears to have been in the same configuration since construction prior to 1995. It is assumed that the current configuration of D Dock is what was approved in case 1989-0459-S. There are three pilings to the south of A Dock (slips #1 - 10) which are not shown in any of the prior cases.³ The recreational pier had two pilings on the west

² D Dock comprises 11 slips, #44 through #54,

³ The 1984 case does show a cable and a note regarding twelve runabouts located on the south side of A Dock whereas the 1989 case does not show the cable or any use of the south side of A Dock and shows no slips on the south side of D Dock. The 1991 case regarding a permanent sanitary facility used the same site plan as the 1984 case and the cable is shown.

side in 1995 and now has three. Pilings were not ever shown on either of the previous special exception applications next to this pier. The recreational pier is now being used for docking with thirteen boat slips.

AGENCY COMMENTS

The **Department of Recreation and Parks** and the **Fire Marshal** had no comments.

The **Health Department** has no objection to the special exception or variance requests.

The **Development Division (Critical Area Team)** has reviewed the proposed scope of work under building permit B02438461 and has no objections to the requested special exception or variance.

The **Long Range Planning section** commented that Plan2040 and Region 7 do not have recommendations that are specific to this site, and the proposal is generally consistent with the overall goals and policies of Plan2040 and Region 7. The site is in the Existing Sewer Service category in the Annapolis Sewer Service Area and the Future Water Service category in the Broadcreek 210 Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

REQUIREMENTS

Special Exception Requirements

With regard to the specific Special Exception requirements for a community pier and launching ramp in § 18-11-140, this Office submits the following findings:

(1) The facility shall be located on a lot of at least 30,000 square feet that is owned by a homeowner's association. *The site is 3.03 acres. The property is owned by the Ogleton Property Owners, Inc.*⁴

(2) Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized. *The applicant is not making changes to the lot.*

(3) Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible. *There are no nonwater-dependent structures or operations proposed. There are existing improvements to remain.*

(4) Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility. *The change of use of the recreational pier to a pier that is part of the community pier facilities creates two access points requiring a variance to this provision.*

(5) Food, fuel, or other goods and services may not be offered for sale, and adequate and clean sanitary facilities shall be provided. *The applicant has indicated that no food, fuel, or other goods and services will be for sale and that a portable toilet shall be provided on site for*

⁴ Article 18, Title 1 defines "homeowner's association" as a nonprofit community association, condominium association, improvement association, or similar association that owns, leases, or has easement rights on property within a recorded subdivision.

use. As previously mentioned the applicant was granted approval for relief from the requirement of a permanent sanitary facility in variance case 1991-0058-V. The decision requires a portable sanitary facility from April through October. The site plan does not show a location for a portable toilet. The applicant must comply with building permit review regarding the location of the portable sanitary facility.

(6) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart. *Boarding ladders have been shown on the site plan.*

(7) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet. *Personal flotation devices have been indicated on the site plan.*

(8) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited. *This request is not part of a new residential riparian subdivision.*

(9) The number of slips allowed with a community pier shall be the lesser of the following:

(i) one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or

(ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

Regarding the first method, (i) The total measurement of shoreline for the entire subdivision was not provided. For method two (ii) there are 85 lots in the critical area in the subdivision which would allow 42 slips (30 or 50%, whichever is greater). Previous approvals for 50 slips were granted in 1989-0459-S and 1989-0460-V. A variance has been requested to allow a greater number of slips than allowed as a companion application to this special exception to allow for a total 68 slips.

(10) In the event the parcel or lot has riparian rights and the proposed development is located on a portion of the parcel or lot that is out of the Critical Area, these rights may be utilized in accordance with permitted use criteria established for the Critical Area classification through the use of a community facility established in accordance with § 18-10-124, based on the

actual length of shoreline or potential density that would have been permitted within the Critical Area portion of the parcel or lot. *The existing development is entirely within the Critical Area.*

Concerning the general special exception standards prescribed in § 18-16-304 of the Code, it is the opinion of this Office that a community pier will be no more objectionable with regard to noise, fumes, vibration, or light than other uses permitted in the district; the use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district; and the proposed use would not conflict with existing or programmed public uses. The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning and the proposed use is consistent with the County General Development Plan. Given that the community has maintained a community pier since the 1980's and wishes to repair and improve the existing pier there is no doubt that there is a public need for a community pier. The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use. The applicant will conform to the critical area criteria and any landscaping requirements. This Office has no objection to a community pier in this location.

Variance Requirements

Approval of the variances will not alter the essential character of the neighborhood as there will be no change to the existing structures as they are currently configured and used. Approval of the variances will not impair the appropriate use or development of the adjacent property considering the structures have been utilized in the manner intended for a long time as evidenced by aerial photographs. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

However, 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 particular lot 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. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. This is a lot already developed with a community pier where the use has expanded over time without proper approval.

The applicant has twice been granted a variance to allow up to 50 boats at the community pier. While the calculation method for determining the maximum number of slips has changed throughout the years, by current Code the permitted 50 boats would be greater than what is allowed. The applicant has utilized unapproved areas of the community pier for boat slips (south side of D Dock) and has exceeded the permitted number of slips. Furthermore, the recreational pier, which was explicitly designated for fishing in prior approvals, is now being used for docking thirteen boats.

It is important to note that prolonged use of property in an unpermitted manner, even without prior violation notices, does not automatically grant the right to approval for such use. While there is certainly a need for a community pier, this Office cannot support the applicant being granted an additional 18 slips above what has been previously approved. The use of the recreational pier as part of the community pier creates two points of access to the community pier that have not been approved by variance to the special exception standards and a variance. This Office does not support a variance to the standard.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305, under which a variance may be granted, this Office recommends a **modified approval** of a variance to § 18-11-140 (9). This modification aims to perfect a greater number of slips consistent with previous approvals, limiting the number of slips to 50. This Office also recommends **denial** of a variance to § 18-11-140 (4) to perfect a second access point for the community pier.

Based upon the specific standards set forth under §18-11-140 and §18-16-304 of the Anne Arundel County Zoning Code under which a special exception may be granted, the Office of Planning and Zoning recommends **conditional approval** of a special exception to perfect a community pier in an R2 District as shown on the site plan conditioned on the removal of slips numbered 51 through 55 along the south side of D Dock and restoring the eastern pier back to its original intended use as a recreational pier by removal of mooring pilings and boat rope guides associated with the pier that created 13 slips.

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.

Date: August 18, 2025

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

RE: VARIANCE REQUEST

Applicant: Ogleton Property Owners Assoc Inc. (SDAT Name)
Mailing Address: 3129 A Catrina Lane, Annapolis, MD 21403
Site Address: 3129 A Catrina Lane, Annapolis, MD 21403
Tax ID: 200590033450

Dear Zoning Office:

This letter explains the request by Ogleton Property Owners Assoc Inc. for zoning variances for the replacement of existing wave screens & platform areas at the community parcel located at 3129 A Catrina Lane, Annapolis, MD 21403. The location of the work is at the community marina – also referenced herein as the “Annapolis Cove Marina” and sometimes “marina” or “piers”. These terms include the piers and wave screens and all additional pier related structures at the location.

The marina is in an R2 Zoning District on a parcel of land consisting of 3.030 acres that was purchased in 1981. The community lots are located mostly in the Critical Area with some parts Limited Resource Development and some small sections Resource Conservation Areas. The community was granted 50 slips in the 1989 Special Exception (SE) and in years that progressed, additional slips were needed by community members and 5 slips were created alongside open sections of the pier. Anne Arundel County’s Zoning Office confirmed that the vessels that are moored alongside the pier constitute slip areas. The main pier – which is comprised of and internally referenced by four (4) docks, A, B, C & D - contains 55 slips. The dinghy pier contains 13 slips. The dinghy pier also has a floating platform.

The lot is approximately 50 ft. wide at the street and approximately 360 ft. wide at the shoreline. The property currently contains an existing marina with piers, wave screens and piles.

With regards to zoning variances requested as it pertains to the Code criteria in § 18-2-404. Piers and mooring pilings, the as-built pier does fall within the 25 ft. setbacks on each side. Variance requests are for the following:

1. A zoning variance of a max. of 15 ft. for mooring piles on the western side of A Dock that encroach into the 25 ft. setback
2. A zoning variance of 8 ft. for mooring piles on the eastern side of D Dock that encroach into the 25 ft. setback

3. A zoning variance of 9 ft. for a wave screen at D Dock that encroaches into the 25 ft. setback
4. A zoning variance to § 18-11-141(9)

Specifically: The number of slips allowed with a community pier shall be the lesser of the following:

- (i) one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or
- (ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

Total approximated lots in the Critical Area (CA) = 85

The method used to determine slips based on the Code shall be (ii) the density of slips to platted lots in the critical area = 30 or 50% whichever is greater. 85 lots in the CA/2 = 42.5 slips

Previous approvals for 50 Slips granted in S-459-89 & V-460-89. The applicant wishes to perfect the current as-built marina configuration and related structures, perform immediate repairs as necessary to provide safety for the community and does not wish to add more slips than what is at the site now.

Based on the previous SE approval, the applicant was granted 50 slips. The current facility contains 68 slips. There are 5 slips along side the piers that moor vessels for slip holders at the marina. The request is for 18 additional slips. The community has an active boating constituency as evidenced by the continually full use of all slips at the marina. There is a wait list of 5 families on top of the current 68 slip holding families. The enthusiasm for an opportunity to keep a vessel at this marina and the continued use and upkeep of the facilities shows active usership and definite maritime purpose for the members of this waterfront community. The marina and maintenance of the important components such as the platforms and wave screens are vital to keep the facility safe for users. The wave screens are an integral part of protecting the vessels kept at the marina from the increased exposure and fetch at the specific location of the marina piers. You can see from mapping that the site is situated facing the opening of Lake Ogleton to the Chesapeake Bay, causing an increase in exposure compared to other sites.

The replacement platforms and wave screens are in-kind and will be located in the same areas as the current structures. The proposed two (2) platforms and wave screens structures shall be 6 ft. wide x 77 ft. long platforms with associated wave screens. The wave screen that does not contain a proposed platform replacement is 40 ft. long. There are a total of three (3) wave screens to be replaced.

The current pier has been in its existing configuration since possibly 1995 (see exhibit image #5). Therefore, it would not appear that the proposed replacement of the wave screen in setback area (and additionally to perfect any piles that fall within the setbacks) would be in any way a navigational concern

for the adjacent waterfront property owners due to the historic use of the area to ingress and egress the existing piers and associated slips. There has been at least 30 years of use in this same configuration.

The granting of the variances will not:

- (a) Alter the essential character of the neighborhood or district in which the lot is located

The marina is similar in design and overall size to many others in Anne Arundel County. Replacement of existing structures will only improve the parcel and surroundings. The pier has been used and maintained for 30+ years so a replacement would not institute a major change.

- (b) Substantially impair the appropriate use or development of adjacent property

The proposed replacement structures will NOT create a navigational issue for the adjacent property owners. Neighbors will be able to continue to utilize their piers in the same manner as now. There are no changes to the footprint of the current as-built design.

- (c) Reduce forest cover in the Limited Development and Resource Conservation areas of the Critical Area

This does not apply to this proposal.

- (d) Be contrary to acceptable clearing and replanting practices required for development in the of the Critical Area or a Bog Protection Area; or be detrimental to the public welfare

This does not apply to this proposal.

The proposal conforms with Maryland Department of the Environment (COMAR, Title 27) & Army Corp. of Engineers regulations and all appropriate state and federal permitting are under active review.

It is our belief based on the usable property area and historic use and by replacement of the structures in-kind, that the requests are the minimum necessary to afford relief to applicant. We look forward to hearing from you upon acceptance of these explanations.

Thank you,



Lauren Heinsohn, Principal
Fetch Consulting Group

Date: August 18, 2025

Zoning Division of the Office of Planning & Zoning
Anne Arundel County
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2664 Riva Road
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RE: SPECIAL EXCEPTION REQUEST

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Site Address: 3129 A Catrina Lane, Annapolis, MD 21403
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Dear Zoning Office:

This letter explains the request by Ogleton Property Owners Assoc Inc. for a Special Exception to replace existing wave screens & platform areas at the community parcel located at 3129 A Catrina Lane, Annapolis, MD 21403. The location of the work is at the community marina – also referenced herein as the “Annapolis Cove Marina” and sometimes “marina” or “piers”. These terms include the piers and wave screens and all additional pier related structures at the location.

The Annapolis Cove Marina (the larger configuration of the two piers on the parcel) was originally built (in part) sometime after August of 1985 after. The smaller dinghy pier was constructed sometime around 1984, according to the historical aerial photos from My Anne Arundel GIS. Previous permitting exists for the site. First a Variance approval and Special Exception in 1985 (V-372-84 & S-371-84), later modified in 1989 (S-459-89 & V-460-89) both relating to the marina and allowing for first a total of 44 slips - and later in 1989 a total of 50 slips and a Variance related to sanitary facilities in 1991 (V-58-91). The as-built construction – as in the current configuration of the facility – appears to have been finalized sometime by or before 1995 (according to historic aerials).

The marina is in an R2 Zoning District on a parcel of land consisting of 3.030 acres that was purchased in 1981. The community lots are located mostly in the Critical Area with some parts Limited Resource Development and some small sections Resource Conservation Areas. The community was granted 50 slips in the 1989 Special Exception and in years that progressed, additional slips were needed by community members and 5 slips were created alongside open sections of the pier. Anne Arundel County’s Zoning Office confirmed that the vessels that are moored alongside the pier constitute slip areas. The main pier – which is comprised of and internally referenced by four (4) docks, A, B, C & D - contains 55 slips. The dinghy pier contains 13 slips. The dinghy pier also has a floating platform.

The marina underwent two phases of construction to get to its current configuration (history referenced above). It was sometime between 1990 and 1995 – based on the historic aerial mapping that D dock was

built. The site plan exhibits in S-459-89 & V-460-89 do not indicate with specificity the as-built design. This application includes the request to perfect the current design to include a total of 68 slips – 55 slips at the main pier and 13 at the dinghy pier. The as-built adjustments (slips/piers that have been added or adjusted since the last SE approval) encompass the following (note this list may not be comprehensive):

1) The movement of approximately eight (8) westerly mooring piles at C Dock further west by approx. a max. of 14 ft.

2) D Dock and associated piers are angled more parallel with the property line extension versus as depicted in the original SE (which is more south easterly). D Dock measures approx. 6 ft. wide x approx. 105 ft. long with three (3) finger piers, associated approx. nine (9) mooring piles and a 40 ft. long wave screen.

3) Dinghy pier added approx. three (3) mooring piles and a floating platform.

You will note that the proposed pier extension to B Dock in the original SE application and associated plans calls for an extension with six (6) proposed slips at the end. The request was not granted and it could be assumed that instead these six (6) slips were added instead to the extension area proposed at D Dock rather than the three (3) as depicted in that plan.

There are many references in the historic permitting that reflect an enthusiastic boating constituency demonstrating a need and desire for slips at the facility. The current Dockmaster, Mr. Brian Page, has expressed that the current piers are actively used and require repairs due to age and weathering. The current platforms and widescreens are in disrepair and immediate replacement is needed to keep the facility safe for the community. Since the time of construction, the community began immediate use of the marina for vessels and have continued to use the marina until present day. Aerial maps attached in exhibits for reference.

The platforms and associated wave screens to be replaced are located at B & C Docks and are approx. 6 ft. wide x 77 ft. long. There is also a wave screen at D Dock that is to be replaced. It is approx. 40 ft. long. The platform at D Dock is not currently proposed to be replaced. The wave screens are to be replaced in the same footprint and are connected to the footprint of the platforms. These are vital to protect the vessels at the marina since the location is highly exposed to intense wave action from an increased fetch due to its location directly in front of the open part of Lake Ogleton. There are to be no increases to the footprint of the existing structures during replacement. Plans and specifications are included for reference.

The total channelward extent of the pier will not be increased – the max. extent is 227 ft. from MHWL at B Dock. The larger pier (A, B, C & D Docks) is not located over submerged aquatic vegetation (SAV), part of the dinghy dock (not including the platform) is within the 1973-2021 bed density polygon. Maryland Dept. of the Environment will allow for pier areas to be constructed within SAV areas but not platforms. The dinghy dock platform is not in SAV beds.

The community area measures roughly around 1,321 ft. along the shoreline. This is the community's only waterfront parcel and the area is used for recreational activities, social gatherings and boating. The plat record from June 1981 that designates this space as "Recreational Area", indicating use as a community space since around that date, around 44 years of use. During this time, the community has maintained the facilities as they have been constructed as best as possible but due to the natural aging process of water-based facilities, the lifespan of the current structures have run their course. Waterside structures need replacement as they age out and because of rising water levels and tidal fluctuations. Safety of the members of the community and those of this facility is of primary concern.

Based on the provisions of the Code relating to allowed uses in a R2 zoned parcel, specifically § 18-4-106. Permitted, conditional, and special exception uses and for "Piers and launching ramps, community", the applicants must first obtain a Special Exception in order to obtain a building permit.

With regards to the application for this Special Exception, the requirements set forth in § 18-16-304, are either met or do not apply:

- (1) The use will not be detrimental to the public health, safety, or welfare;

The continued use of the marina does not impact public health, safety, or welfare. The marina, piers and related structures shall meet the safety requirements in § 18-11-142 (6)(7), specifically:

(6) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

Approx. locations have been shown on the plan.

(7) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.

Approx. locations have been shown on the plan.

- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;

This is a community pier and wave screens which should meet standard marine grade material specifications and otherwise conforms to state and federal regulatory standards (in terms of design standards and material grade). The pier and wave screens look similar to the others approved in AA CO.

- (3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;

Continued use of the pier will not change levels of noise, fumes, vibration, or light.

- (4) The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;

This pier is used by members of the community of Annapolis Cove to access the water. This community area is considered a shared use space for the residents who want to enjoy use of the water. It is vital to provide the residents of the community with continued use of this important facility.

- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;

This is an existing pier in the water. There is no conflict with other public facilities, services, schools, or roads.

- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;

This to be determined by the respective departments.

(7) The proposed use is consistent with the County General Development Plan;

This to be determined by the respective departments.

(8) The applicant has presented sufficient evidence of public need for the use;

This is the community's only waterfront space. The platforms and wave screens have reached the end of their usable lifespan and are no longer safe for community members to use. It is vital that this facility be upgraded to conform to current standards for the safety of all.

(9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;

The current use is that of a community marina. The community shall maintain adherence to this type of use.

(10) The application will conform to the critical area criteria for sites located in the critical area; and

This to be determined by the respective departments.

(11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

This requirement does not appear to apply.

With regards to requirements set forth in § 18-11-141. Piers and launching ramps, community:

(1) The facility shall be located on a lot of at least 30,000 square feet that is owned by a homeowner's association.

The applicant meets the criteria.

(2) Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.

The applicant meets the criteria.

(3) Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.

The applicant meets the criteria.

(4) Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.

The applicant meets the criteria.

(5) Food, fuel, or other goods and services may not be offered for sale, and adequate and clean sanitary facilities shall be provided.

Food, fuel, or other goods and services are not offered for sale at the site. A portable toilet should be provided on site for use.

(6) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart. A ladder is shown on the proposed plan.

The applicant meets the criteria. Approx. locations are depicted in the plan.

(7) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.

The applicant meets the criteria. Approx. locations are depicted in the plan.

(8) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited.

This does not apply.

(9) The number of slips allowed with a community pier shall be the lesser of the following:
(i) one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or (ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

Total approximated lots in the Critical Area = 85

Previous approvals for 50 Slips granted in S-459-89 & V-460-89. The applicant wishes to perfect the current as-built marina configuration and related structures, perform immediate repairs as necessary to provide safety for the community and does not wish to add more slips than what is at the site now.

(10) In the event the parcel or lot has riparian rights and the proposed development is located on a portion of the parcel or lot that is out of the critical area, these rights may be utilized in accordance with permitted use criteria established for the critical area classification through the use of a community facility established in accordance with § 18-10-143, based on the actual length of shoreline or potential density that would have been permitted within the critical area portion of the parcel or lot.

This does not apply.

We look forward to hearing from you upon acceptance of these explanations.

Thank you,

Lauren Heinsohn

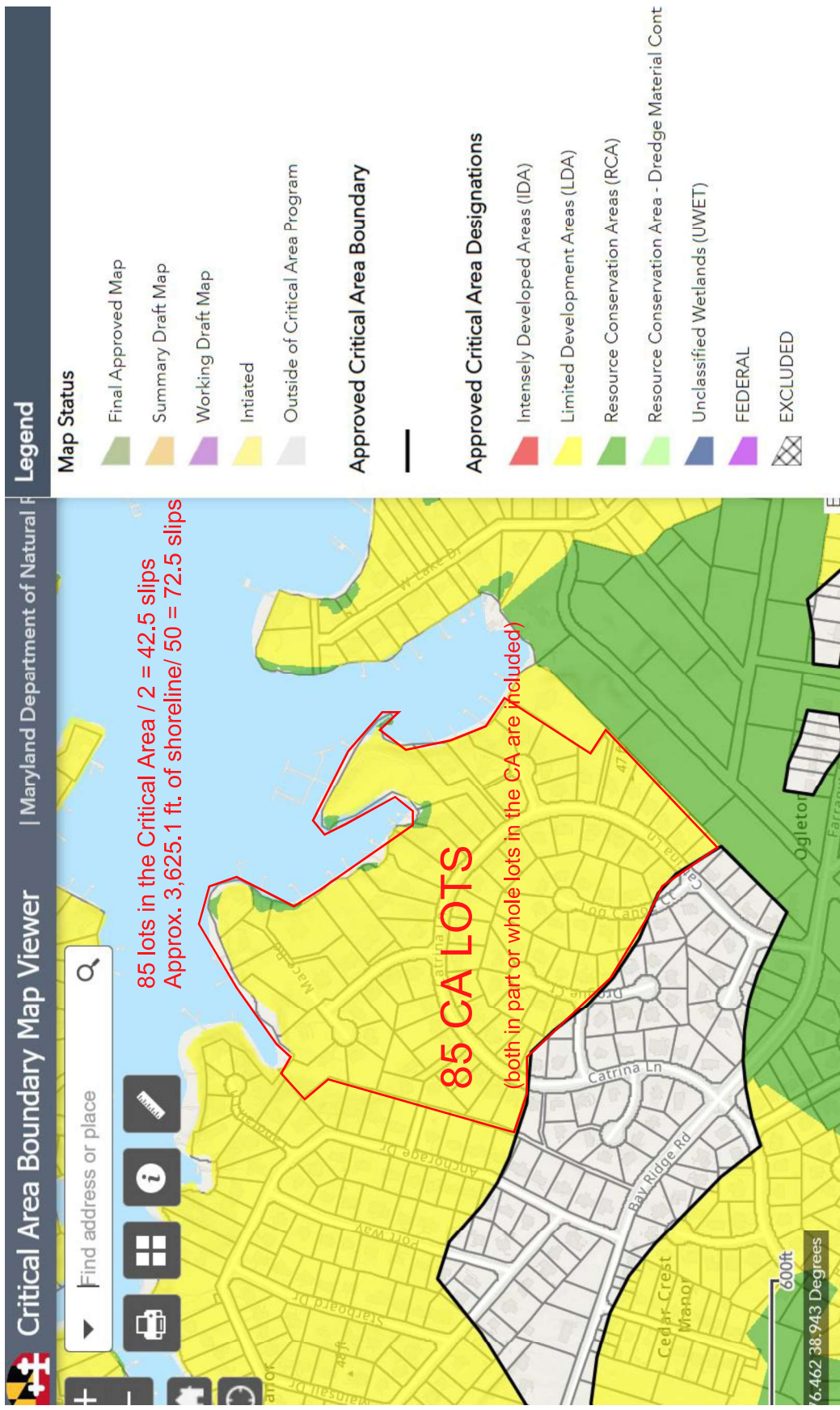
Fetch, LLC

326 First Street, Suite 16, Annapolis, MD 21403

PH: 410-756-0885

EM: lauren@fetchconsultinggroup.com

www.fetchconsultinggroup.com

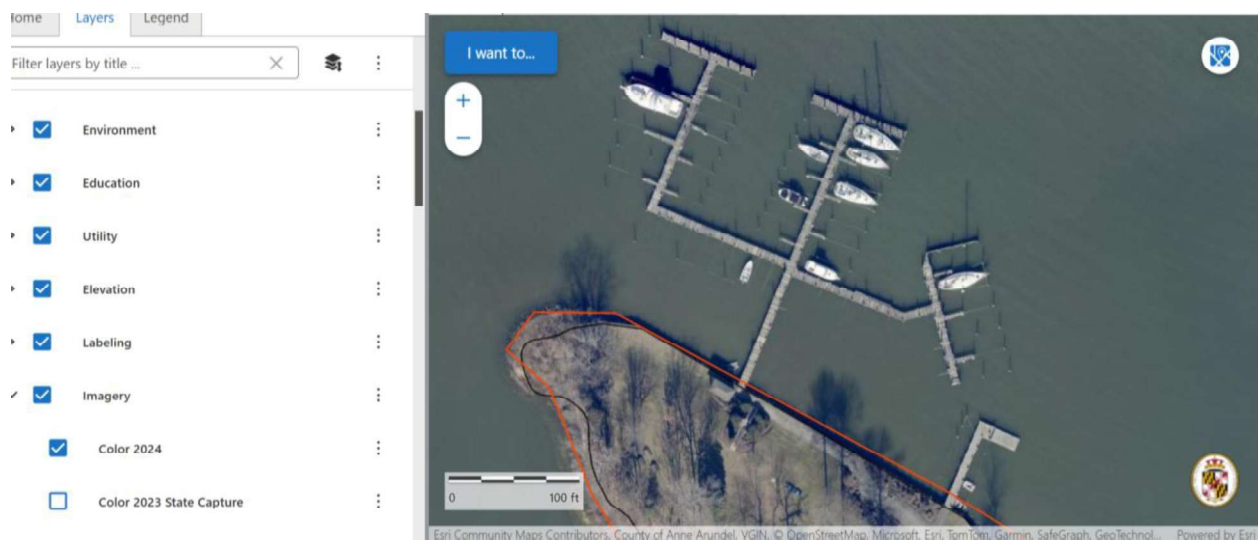


RE: VARIANCE & SPECIAL EXCEPTION REQUEST

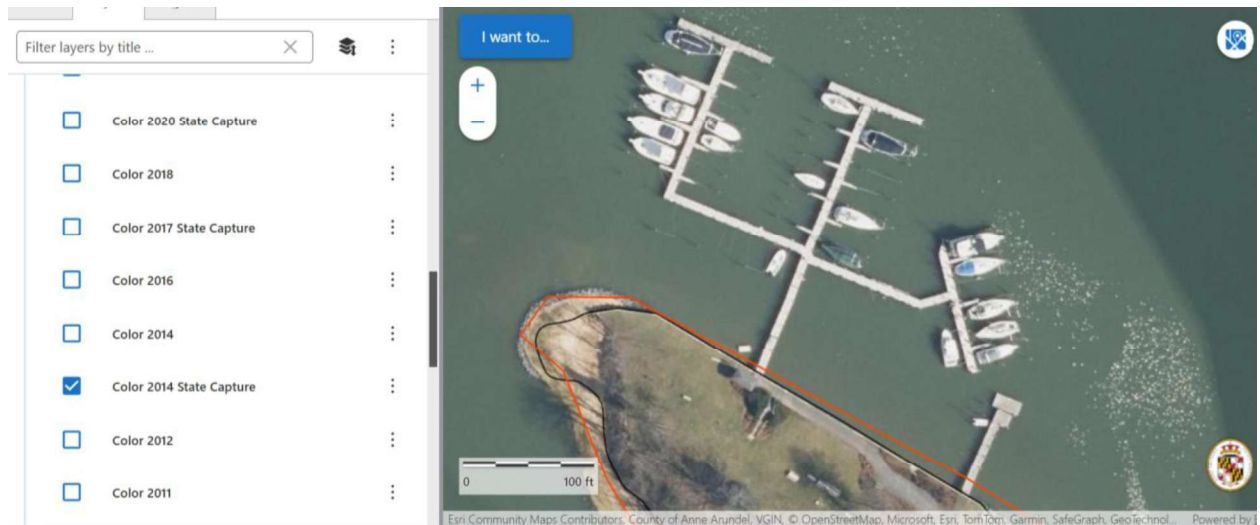
Applicant: Ogleton Property Owners Assoc Inc. (SDAT Name)
Mailing Address: 3129 A Catrina Lane, Annapolis, MD 21403
Site Address: 3129 A Catrina Lane, Annapolis, MD 21403
Tax ID: 200590033450

EXHIBITS

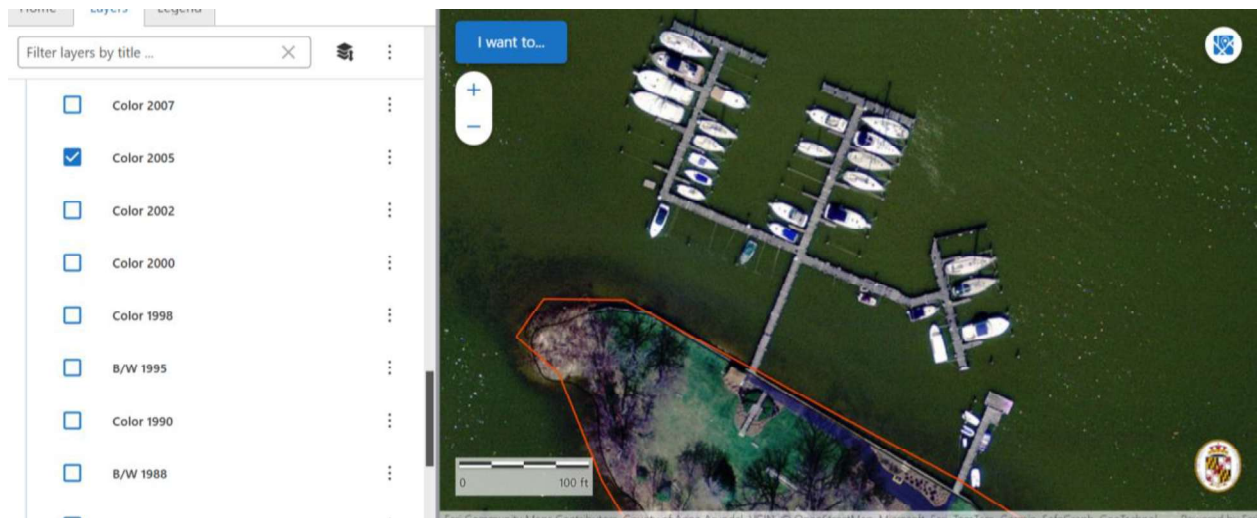
#1 – 2024 Aerial Image of Marina



#2 – 2014 Aerial Image of Marina



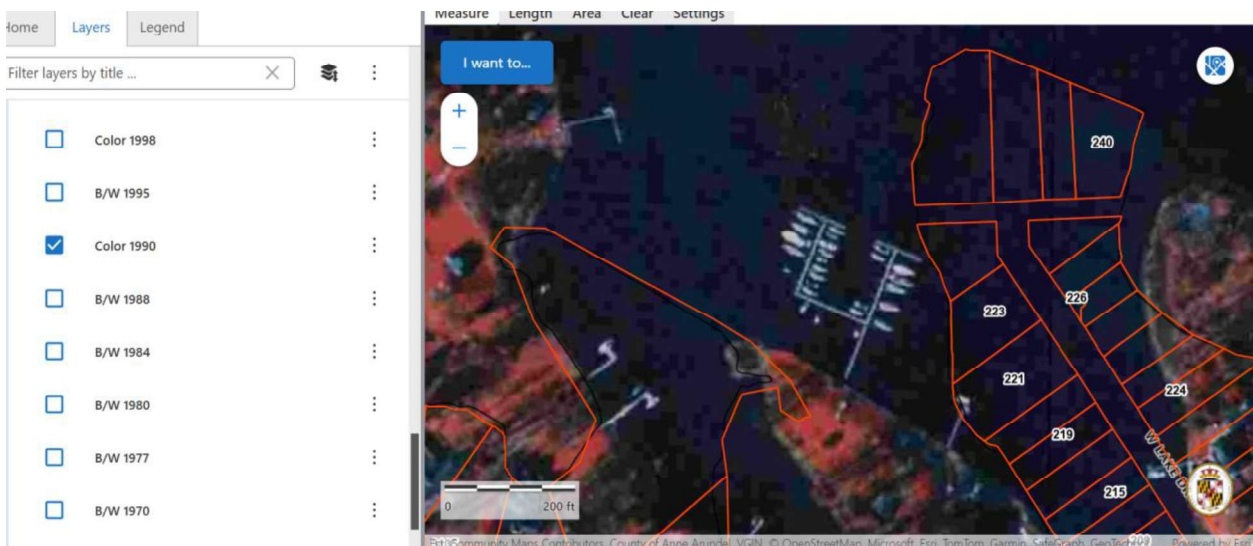
#3 – 2014 Aerial Image of Marina



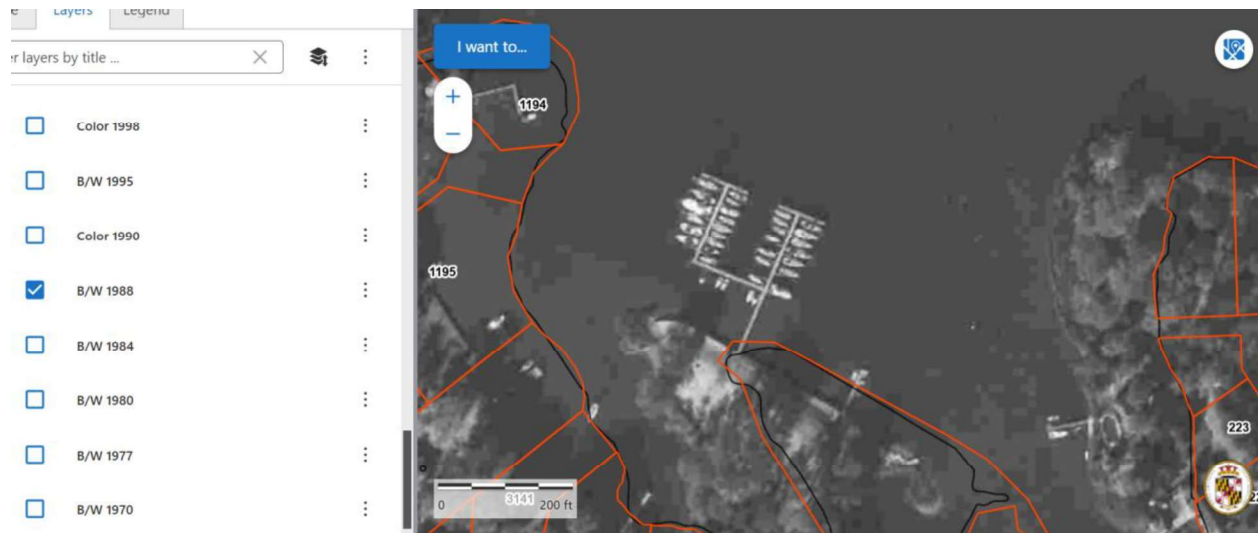
#4 – 1995 Aerial Image of Marina



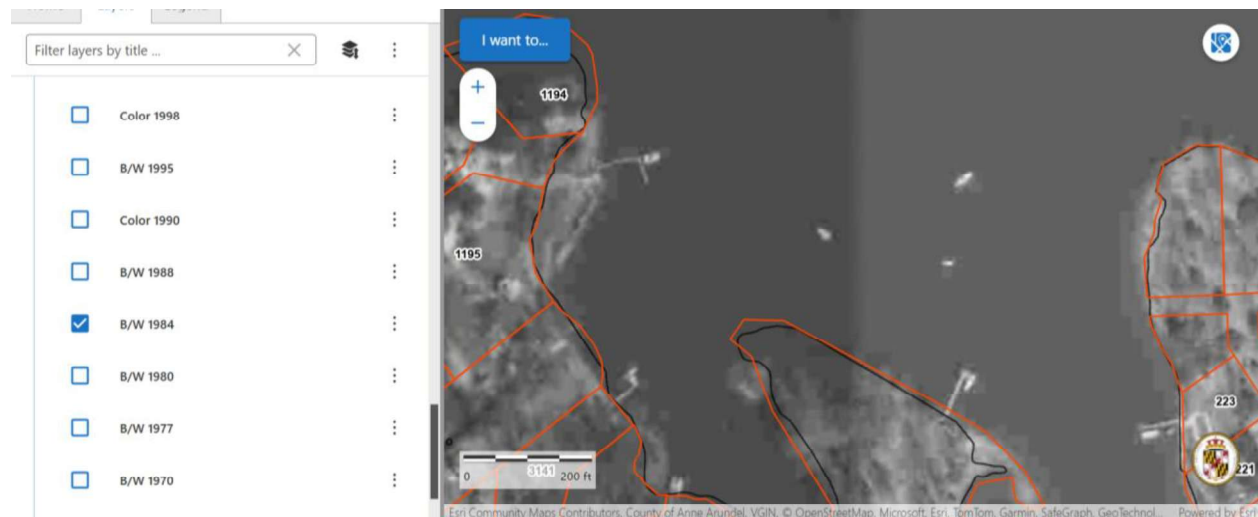
#5 – 1990 Aerial Image of Marina



#6 – 1988 Aerial Image of Marina



#7 – 1988 Aerial Image of Parcel (no marina)





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0062-P)

DATE OF MEETING: 06/30/2025

P&Z STAFF: Donnie D., Melanie M.

APPLICANT/REPRESENTATIVE: Lauren Heinsohn EMAIL: lauren@fetchconsultinggroup.com

SITE LOCATION: 3129B Catrina Lane, Annapolis LOT SIZE: 3.03 Acres ZONING: R2

CA DESIGNATION: LDA BMA: N or BUFFER: Y APPLICATION TYPE: Special Exception & Variance

The applicant is proposing to perfect the expansion of the community pier. Also proposed is the replacement of two "T-piers/wave screens". The property had previous special exception approvals for the community pier which recognized 50 slips. The current configuration now has 68 slips which exceeds the number allowed by the SE conditions by 13 per the CA Team Comments. A variance will be required to perfect a community pier with greater slips than allowed. A variance for setbacks may be required for the pilings that are within the setback, if they were constructed after the last SE approval for the community pier.

COMMENTS

The **Critical Area Team** commented that the special exception request and associated plans have been reviewed for property line extensions and setbacks as required under 18-2-404 for community piers. The request includes the allowance of additional slips that will exceed the limitations under 18-11-141 for community piers. The critical area section of OPZ has no objection to the request for the 13 additional small vessel docking slips.

Zoning Administration Section: The site plan should clearly label and show which slips/piers and pilings have been added since the last SE approval for the community pier. Should setback variances be required, distances to the extended lot lines will be required on the site plan. The justification for the additional slips to exceed the number allowed will need to be provided in the letter of explanation to address the variance criteria.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

IN THE OFFICE OF ZONING HEARINGS

CASE NUMBERS S-371-84 and V-372-84

IN RE:

Annapolis Cove Homeowners Association

Second Assessment District

Date Heard: April 18, 1985

Last evidence submitted July 10, 1985

OPINION BY: PERKINS, TEMPORARY ZONING HEARING OFFICER

DATE FILED: August 5th, 1985

PLEADINGS

The Applicant, Annapolis Cove Homeowner's Association, is petitioning for a special exception to permit a community marina, associated with a residential subdivision, in an R-2 residential zone, is petitioning for a Variance to permit a community marina associated with a residential subdivision having more boat slips than allowed, and is petitioning for a Variance to permit a driveway 10 feet from the south side property line (a Variance of 5 feet) on its property fronting approximately 50 feet on the northeast side of Catrina Lane, and approximately 1,500 feet north of Bay Ridge Road in the Annapolis area.

PUBLIC NOTICE

Prior to the hearing, the Zoning Hearing Officer reviewed the file and ascertained that the certifications of the purchasing agent and of the Office of Community Affairs required pursuant to Sections 13-338.8 and 13-338.9, respectively, of the Code were present and appeared correct.

The signs for both the special exception and the variance were posted on behalf of the Applicant by Freddie P. Lounsberry as per the Affidavit of Posting Compliance submitted as Petitioner's Exhibit #4A.

SUMMARY OF EVIDENCE

David M. Jenkins testified on behalf of the Office of Planning and Zoning. He submitted the report and recommendation of the Office of Planning and Zoning and site plan review which was marked as Planning and Zoning Exhibit #1, is attached hereto as Appendix A, and incorporated herein by reference. The recommendation is self-explanatory.

With reference to the site plan, Mr. Jenkins pointed out the review was conducted with reference to Sections 13-343.9(B) (community piers) and 13-321.1 through 13-321.13 (maritime group districts). Conditional approval was granted subject to the approval of the variance requested in Case V-372-84, subject to revision of the site plan to reflect a 25 foot setback from the side property line extended, and subject to the requirement that ancillary equipment required by Section 13-321.13 is shown on the site plan. Mr. Jenkins pointed out that the burden was on the Applicant to show that 20 percent of the lots in this development are improved with owner occupied residences.

Mr. Jenkins submitted the packet of agency comments as Planning and Zoning Exhibit #3. The comments of the Health Department, Department of Utilities and

Department of Public Works were favorable. The Department of Public Works did have several comments regarding parking at the site on the adjacent street.

Mr. Jenkins pointed out the size limitation imposed on the community pier pursuant to Section 13-321.1A. The Applicant's pier cannot have a total boat storage capacity exceeding 10 percent of the registered boats on the waterway in which the pier will be located. Mr. Jenkins considered the "waterway" to be the Severn River. As of December 1984, 4,669 boats were registered on the Severn River. Ten percent of this number, 460, is well above the boat storage capacity which the Applicant proposes. The Applicant had originally sought a variance as to the boat storage capacity based upon the Applicant's understanding that the "waterway" on which the pier would be located would be Lake Ogleton.

With regard to the driveway, Mr. Jenkins pointed out that the location of a fire suppression tank prohibited moving the road further from the south side property line. The lot immediately to the south is a flag lot, and the road to the proposed marina is close to the staff portion of the flag. Thus, there will be no interference with the use of the property to the south if the variance is granted.

Mr. John Hills, an attorney representing the protestants, was permitted to cross examine Mr. Jenkins. During cross examination, Mr. Jenkins maintained that the "waterway" was the Severn river and not Lake Ogleton. With regard to the delineation of the marina basin, Mr. Jenkins acknowledged that there were changes in the marina basin delineated at a 1982 hearing in which a community marina was sought and denied for this subject parcel. Mr. Jenkins also testified that the demarcation of the channel to the east of the subject property was done differently by the Office of Planning and Zoning in 1982 than it was being done for the present application. Mr. Jenkins was of the opinion that the channel as now marked was more equitable for the areas on all sides of the subject property.

Douglas Bourquin a project manager for McCrone, Inc., next testified for the Applicant. He has been employed with engineering and surveying firms since October 1971, and has "worked his way through the ranks." His areas of expertise include determining the configuration of marina basins, designing restaurants, and designing shopping centers. He is familiar with the Applicant's property, and supervised the preparation of the topographic map of the property.

With regard to the driveway variance, the present road to the community dock area is 12 feet wide, a 20 foot road is required to serve the proposed use, and they propose a 24 foot wide road to adequately handle traffic for the proposed use. The strip of land providing access to the subject property is 50 feet wide, and the location of a storm drain and fire suppression tank require that the 24 foot roadway be located 10 feet from the south side property line.

With regard to the identity of the waterway to determine the maximum boat storage capacity Mr. Bourquin pointed out that as of December 31, 1984 there were 249 registered boats on Lake Ogleton. This would allow storage capacity for 24 or 25 boats at any new marina. The Applicant proposes 38 slips at the pier, and a general docking area which would hold 12 boats. He had learned that Planning and Zoning had interpreted the Zoning Code to provide that the Severn River was the "waterway" on which the marina would be located, and thus upon which the maximum boat storage capacity would be computed.

Mr. Bourquin reviewed the site plan with regard to the specific requirements of Sections 13-321.1 through 13-321.13. The total area of the site is 3.03 acres, well in excess of the minimum required area of 30,000 square feet.

There are 10 paved parking spaces shown on the site plan and an additional unpaved level area providing for 16 more parking spaces. The paved permanent spaces and the level land for additional parking satisfy the requirements of Section 13-343.9(B). All parking areas will be screened in accordance with Sections 13-327.4 and 13-300.11.

The proposed lot coverage based on this site plan is ten percent, well within the maximum lot coverage of seventy percent set forth in Section 13-321.1(b). The men's and ladies' restroom facility shown on the site plan provides the sanitary facilities required by Section 13-321.8a.

The 20 foot by 20 foot roof of the proposed lavatory building will have a negligible impact with regard to storm water runoff. With regard to water, the Applicant would use either the existing well or drill a new well.

Mr. Bourquin stated that the marina basin outline as shown on the site plan was provided by the Office of Planning and Zoning during two meetings in May and August of last year.

With regard to construction of the piers, all slips would fall within the marina basin outline. Soundings were taken in the area of the marina basin, and are shown on the topographic map. No soundings were taken outside of the marina basin. In order to ensure that the piers are located far enough from opposing shorelines, the intent is to measure 300 feet from opposing shorelines, and drop back 25 feet from that line, and build the piers. All construction will be done in accordance with Section 13-321.13 of the Code.

There will be a negligible impact on traffic, as the furthest house is one-half mile from the marina. Many residents will walk. The marina will not generate outside traffic. The number of trips generated to the marina should not have any impact on the number of daily trips normally generated in the community.

With regard to the environment, some plants will be introduced to augment protection of the shore. The proposed improvements will not require any dredging. No launching ramp is planned, as the topography of the land makes this impractical.

One examination by Mr. Hills, Mr. Bourquin indicated he did not testify to the exact location of the channel. There was some cross examination regarding the width of the proposed slips, and the width of the average boat.

Freddie Lounsberry testified on behalf of the Applicant. He verified that the property had been posted on April 2, 1985, and that the signs remain continuously on the property.

Mr. Lounsberry generally described the Annapolis Cove Community. The Annapolis Cove Property Owners Association has been active since 1981. Mr. Lounsberry introduced Exhibit #8, the Rule, Regulations and Procedures of the Waterfront Committee of the Annapolis Cove Property Owner's Association. With regard to need, Mr. Lounsberry described the number of residents in the community who own boats, and the number of residents who are now either actively looking for a boat or very interest in buying a boat. He introduced Exhibit #9 to verify the demand for docking space. Both in testimony and in Exhibit #10, he indicated that many residents were now mooring their boats in Lake Ogleton and that those moorings would be removed upon approval and construction of this marina.

With regard to ownership of the lots in the community, he verified that the entire community consisted of 213 lots. 118 lots are on the north side, 110 of which are occupied, and virtually all of which are occupied by owners. The 95 lots on the south side of Bay Ridge Road are not yet under construction, but 25 lots have been platted.

Mr. Lounsberry described the problem of persons mooring their boats at buoys at random locations in Lake Ogleton. With regard to those mooring buoys which are used by residents of Annapolis Cove, the Applicant is willing to condition approval of these requests on the removal of those moorings occupied by residents of the community.

With regard to erosion control, Mr. Lounsberry detailed the efforts of the Applicant community to control erosion of the recreation area. Application has been made to Anne Arundel County to establish a shore erosion control district and a special benefits tax district. Application has been made to the Department of Natural Resources for assistance in engineering and for financial help in controlling erosion. The Applicant plans to build a bulkhead based upon the expert advice it receives. The Applicant will make plantings and landscape in accordance with recommendations. The proposed pier will not require any dredging.

Dr. John W. Foerster, a marine biologist, next testified on behalf of the Applicant. His report, which assessed the environmental impact of the proposed pier construction, was admitted as Applicant's Exhibit #11. The construction of the proposed pier will have no long term adverse effects on the waterways of Lake Ogleton. The construction of the proposed pier will meet all of the requirements of the Chesapeake Bay Critical Areas Act.

Gary Westholm next testified on behalf of the Applicant. He was accepted as an expert in the area of land use and zoning. Mr. Westholm referred to the Anne Arundel County Boating and Marina Study prepared by the Office of Planning and Zoning in August 1980. Based upon the number of lots in the Annapolis Cove subdivision, and with the recommended slip to lot ratio permitted for community marinas, Table 5-2 in the study, the Applicant would be entitled to 50 slips, or the number of equal to 25 percent of the lots, whichever is greater. In this instance, approximately 53 slips would be permitted. The Applicant's proposal falls within those guidelines.

Mr. Westholm testified that light from the proposed piers would not be a problem, and that, assuming the piers were not built in a navigable channel, safety would not be a problem. Generally, he testified that the proposed marina and pier met the general requirements of the Zoning Code, the general requirements for a special exception, and the specific requirements for a community pier.

Eugene Cronin, a resident of Bay Ridge for 30 years, testified in opposition to the proposed pier. He says the proposed pier is too large for Lake Ogleton, and that it intrudes into the navigable waterways of Lake Ogleton.

George Miller, who lives in Bay Ridge to the east, across from the proposed pier objects to the size of the proposed pier, calling it "overwhelming." He feels that a pier of 175 feet is more than adequate for the applicant. The proposed pier should be cut down to size. If constructed as planned, it would choke off navigation in the cove to the east upon which Mr. Miller's property fronts.

Edward R. DeMater testified in opposition to the proposed pier. He represented the community of Bay Ridge at the last hearing. The pier proposed by the Applicant would restrict navigation by smaller boats and sailboards.

Herb Culley of Bay Drive in Bay Ridge opposed the proposed pier for reasons stated by the three preceding witnesses. In addition, he was concerned about pollution and soil erosion.

John Hills, the attorney representing the protestants, testified as an interested party. He maintains that the actual channel into the cove to the east is to the west of the channel as delineated by the Office of Planning and Zoning, and that the pier as constructed will intrude into the actual channel. He maintains that the Applicant is required to conduct soundings so that this Hearing Officer can determine the location of the channel. He also opposed the pier on the ground that small boats and wind surfers, which are now prevalent on Lake Ogleton, would be unable to navigate in the lake.

Walter Grubbs testified in opposition to the proposed pier on the ground that the pier extends too far from shore. He feels the pier should extend a maximum of 140 feet from the shoreline.

SUMMARY OF ADDITIONAL EVIDENCE

Following the hearing, this Zoning Hearing Officer visited the site and generally familiarized himself with Lake Ogleton, the proposed improvements to be constructed on land, and the proposed pier. This officer also located the homes of those protestants to the east of Annapolis Cove. On May 9, the Applicant, as requested by the Zoning Hearing Officer, submitted Exhibit #12, upon which the proposed pier is superimposed on a 200 foot equals one inch scale map.

Following the submission of Exhibit #12, this hearing officer requested that the Applicant modify its site plan to include soundings to the east, north and west of the proposed pier, as required by Section 13-344.1(l) of the Zoning Code. On July 10, 1985, the

Applicant submitted Exhibit #13, a revised site plan showing depth soundings, particularly to the east of the proposed pier.

John P. Hills, one of the protestants and the attorney representing other protestants was given an opportunity to review this additional evidence, and was given an opportunity to submit whatever additional evidence he or the protestants desired. Mr. Hills has had a chance to review Exhibit #13. Mr. Hills is concerned that the length of the east side marina lot line extension not intrude in the area of the channel and anchorage plus 100 feet, in accordance with Section 13-321.2(a)(2).

FINDINGS AND CONCLUSIONS

In preparing this decision, I have reviewed the Anne Arundel County Boating and Marina Study (Office of Planning and Zoning, August 1980). I have reviewed the first significant decision which was decided under the Special Exception criteria for Community Piers, in re: Elizabeths Landing Community Association (Cases number S-232-83 and V-233-83, Opinion by George Chartrand, Zoning Hearing Officer).

Section 13-300.2(67B) defines community piers and mooring as follows:

Any type of structure, fixed or floatng, and extending from community property, generally referred to as a pier, dock, or wharf, including pilings, buoys, and other such facilities used for the wet storage and/or temporary docking of watercraft owned by and registered to residents of the subdivision within which the community property is located. A community pier may also be used for the temporary docking of watercraft owned by and registered to guests of residents of the subdivision, but only during the visits of the guests.

With regard to this special exception, the burden is on the Applicant to meet the following criteria:

1. The general standards of Section 13-341.1
2. The specific standards of Section 13-343.9B
3. All requirements for development in an MAI community marina district as set forth in Sections 13-321.1 through 13-321.13.
4. Site plan review approval by the Office of Planning and Zoning
5. Compliance with the requirements of the Chesapeake Bay Critical Areas Act.

With regard to the requirements of Section 13-343.9(B), I make the following findings:

The parcel is zoned R-2, residential, and consists of 3.03 acres. The parcel exceeds the minimum of 30,000 square feet in size, and is sufficient to accommodate the proposed community pier and the other community activities to be conducted on the site, as mandated by Section 13-343.9B(1).

As shown by the testimony of Mr. Lounsberry and by Applicant's Exhibit #5, a Deed to the parcel, the property is community owned by the Property Owner's Association of the Annapolis Cove subdivision. The proposed community pier will be owned and operated for the benefit of the residents of the Annapolis Cove community, which is a platted and recorded subdivision all in accordance with subsection (3).

As shown by the site plan and as testified to by Mr. Bourquin, the men's and women's restrooms will meet the minimum requirements of Sections 13-343.9B and 13-321.2. I further find that the approval of the Anne Arundel County Health Department has been obtained.

As required by Section 13-943.9B(5), the Applicant has demonstrated a need for the community pier. Applicant's Exhibit #9, the list of boat owners and other persons interested in boats, and testimony about the present number of moorings in Lake Ogleton, supports the finding that there is a need for the Applicant's community pier. The Applicant has further shown that at least 20 percent of the platted lots are dwelling units within the subdivision that are owner occupied.

As required by Section 13-343.9B(6) the Applicant has provided 10 permanent parking spaces, which is one space for each 5 of the proposed 50 slips; the Applicant has also provided a level area which will accommodate another 16 cars, for a total of 26 available parking spaces. This satisfies the requirement that there is adequate useable land available to accommodate parking at the rate of one space for each two of the 50 slips.

The Applicant proposes 50 slips, and this is within the maximum mandated at Section 13-343.9B(7).

With regard to the specific requirements (so far as applicable) of Sections 13-321.1 through 13-321.13, I find the following:

With regard to Section 13-321.1(b), I find that the maximum lot coverage proposed by the Applicant is 10 percent, well below the maximum lot coverage of 70 percent of the total marina lot area.

With regard to Section 13-321.1A, the question of law has arisen as to the identity of the "waterway" on which the marina will be located. On Lake Ogleton there are 249 boats registered with the Department of Natural Resources. On the Severn River there are 4,669 boats registered. The 10 percent limitations on total boat storage capacity are,

respectively, 25 and 467. I have concluded that the phrase "waterway" refers to the waterway on which the community pier is proposed to be built, Lake Ogleton. To define the term otherwise would make the limitations of Section 13-321.1A meaningless in a great majority of cases. This is the same interpretation made by Zoning Hearing Officer George Chartrand in Cases numbered 176-84 and V-362-84 (in re: William M. Thomas, Jr., January 23, 1985). Therefore, the Applicant is entitled to total boat storage capacity of 25 boats, subject to consideration of the application for a variance from this limitation. The term "total boat storage capacity" includes the 38 slips and the 12 tie-up areas so the Applicant has proposed a total boat storage capacity of 50.

With regard to Section 13-321.2, I find that the Office Planning and Zoning has designated the marina basin using the criteria that side marina lot line extension would be at least 300 feet from adjoining shores. Based on this criteria, the Applicant has submitted Exhibit #13, a revised site plan, which designates a smaller marina basin than did its original site plan (Exhibit #1). Since it is the responsibility of the Office of Planning and Zoning to determine the side marina lot line extensions, the revised site plan will be submitted to that office for its approval, subject to the requirement that the final marina basin not exceed in size of the marina basin shown in Applicant's Exhibit #13. The Applicant proposes that the east side marina lot line extension run for two courses and distances, rather than run for "a line extended" as mandated by Section 13-321.2(b). See also Anne Arundel County Boating and Marina Study, at page 5-7 (figure 5-1, Marina Basin Alternatives, Side Property Lines). To that extent, the marina basin will have to be modified by the Office of Planning and Zoning.

I find that the requirements of Section 13-321.2 have been satisfied by the Applicant's site plan, and by the conditions imposed by the site plan review. The requirements of Section 13-321.4 do not restrict the location of this community pier. The requirements of Sections 13-321.5 and .6 have been satisfied as shown by Applicant's revised site plan (Exhibit #13). With regard to Section 13-321.7, the Applicant will be required to maintain the minimum setbacks from the side property line extensions once the marina basin is designated.

The sanitary facilities required by Section 13-321.8(a), as previously specified, have been met.

With regard to the requirements of Section 13-321.9(a), the Applicant's property borders for more than the minimum of 40 feet on Catrina Lane, a public street maintained by Anne Arundel County. The Applicant will be required to satisfy the requirements of the Department of Public Works, and the remaining provisions of Section 13-321.9. With regard to Section 13-321.10, the Applicant does not propose any activities of this type. To the extent such activities are permitted at the community pier, the requirements of this section will be required to be followed. As indicated in the testimony of Mr. Bourquin and Mr. Westholm, requirements of Section 13-321.11 and 321.12 will be met. As provided by the conditions of the site plan review, requirements of Section 13-321.13 will be required to be met.

The Applicant also has the burden of satisfying the general standards for a special exception set forth in Section 13-341.1.

With regard to the requirement of subsection (1) I find that the Applicant's proposed use will enhance the public health, safety and welfare. Certainly it is reasonable for the community of over 200 homes to have a community pier at which the residents may dock their boats. The present system of random moorings in Lake Ogleton presents a greater safety hazard for users of Lake Ogleton than will the proposed community pier. The Applicant has demonstrated a need for the proposed community pier. The only issue to be further discussed is whether the pier, as proposed, will be detrimental to the welfare of persons using Lake Ogleton.

With regard to subsection (2) I find that a community pier is compatible with the appropriate and orderly development of this district. I do find that the proposed pier is too large to be totally compatible with this district, for reasons set forth later, the size of the pier will be reduced so it will be compatible with the district.

With regard to the requirements of subsection (3), based on the testimony of Mr. Bourquin and Mr. Westholm, I find that the proposed use will not be more objectionable than permitted uses. Particularly with regard to noise, fumes, and light, there will be no adverse effect on adjoining properties.

With regard to the requirements of subsection (4), based upon the public agency comments submitted as Planning and Zoning Exhibit #3, I find the proposed community pier will not conflict with existing or programmed public facilities, services, schools and

roads. Based upon those comments, and based upon Mr. Bourquin's testimony regarding the proposed sewer facility and water well, I find that there are adequate facilities to serve the proposed use.

With regard to the requirements of subsection (6), I find that the Applicant has secured the favorable written recommendations and comments of the Anne Arundel County Health Department and Department of Utilities. The Applicant has also secured the written recommendation and comments from the Department of Public Works with certain suggestions, and those suggestions will be incorporated as a condition of this special exception.

As it must, the Applicant has also submitted evidence and exhibits to show compliance with the requirements of the Chesapeake Bay Critical Areas Act. Based on the report and testimony of Dr. Foerster, I find that the Applicant has satisfied the requirements of the Chesapeake Bay Critical Areas Act. As required by Natural Resources Article Section 8-1813, I find that the Applicant's proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures and conveyances or that have run off from surrounding lands. I further find that the Applicant has attempted to identify fish, wildlife and plant habitat which may be adversely affected by the proposed community pier, and I further find as a fact that there are none which would be adversely affected by the proposed community pier. I further find that the Applicant intends to take steps to preserve the plant habitat on its property.

As set forth in the Summary of Evidence, the opponents to the Applicant's proposed community pier did not object to a community pier as such, but objected to the size of the proposed pier. The opponents were concerned that the proposed pier would encroach on the channels in Lake Ogleton, particularly the channel to the cove to the east of the Applicant's property. There were objections that the proposed community pier was too "massive" for Lake Ogleton. To some extent, this ties into the limitation on total boat storage capacity mandated by Section 13-321.1A(1). This also ties in with the outline of the marina basin whereby the Applicant, on its revised site plan, has not extended the east side marina lot line extension in a straight line, but has doglegged it as it approached the channel. As shown on the Applicant's revised site plan (Exhibit #13) the proposed pier is constructed in water depths from 7 feet to 8 feet. The issues of the size

of the proposed community pier and the request for variance from the total boat storage capacity are directly related. I find that if the Applicant were to build the pier as proposed, the pier would interfere with navigation, including wind surfing and smaller boat use, on Lake Ogleton. I find that if the pier were built as proposed it would adversely affect the welfare of those residents to the east of the Applicant's property who have testified in opposition to the pier and other users of Lake Ogleton.

I find that this adverse effect can be eliminated by reducing the size of the right hand, or easternmost extension of the proposed pier by 30 feet. This is to be done by eliminating the last 4 boat slips, and by moving the "T" of that extension of the pier 30 feet closer to shore. I further find that the adverse effect can be eliminated by shortening the left hand or westernmost extension of the pier by 13 feet, thus eliminating 2 slips. Therefore, the "T" of the westernmost extension will be moved 13 feet closer to the shore. The result is the elimination of 6 proposed slips thus allowing the Applicant storage capacity for 44 boats--12 in the tie up area and 32 at the pier.

I find that the reduction of the eastern extension of the proposed pier by 30 feet will ensure that is the pier in compliance with Section 13-321.2(a)(2) of the Zoning Code. The eastern extension of the pier plus the 25 foot side setback will not encroach the channel plus 100 feet, as mandated by that subsection.

The Applicant has requested one other variance. Section 13-327.3d requires that all driveways and aisles are to be located not less than 15 feet from any residential property. Because of the unusual shape of the Applicant's site, and the presence of an underground fire suppression water tank, the Applicant proposes to locate the driveway to serve the marina 10 feet from the south side property line. This is adjacent to a flag lot which is zoned R-2. The Applicant requests a variance of 5 feet. There was no opposition to this request for variance.

With regard to both the variance request seeking to raise the total boat storage capacity limitations set forth in Section 13-321.1A(1) and the variance request from the setback requirement in Section 13-327.3(d), I find that the unique physical condition of the Applicant's property makes the granting of these variances discretionary. I find that the granting of the variances will not alter the essential character of this neighborhood, will not impair the appropriate use of adjacent property, would not be detrimental to the public welfare, and that they are the minimum necessary to afford relief.

ORDER

Case Number S-371-84

Pursuant to the application of Annapolis Cove Home Owner's Association, Inc. for a special exception to permit a community marina associated with a residential subdivision in an R-2 District, on the property as described in the application, and pursuant to the advertising, posting of property, other public notice and a public hearing, all in accordance with the provisions of the law, it is this 5th day of August, 1985 ORDERED by the Temporary Zoning Hearing Officer of Anne Arundel County, that the application for a special exception, as set out above, on the property described in the application, be and the same is hereby GRANTED AS MODIFIED BELOW, subject to the following conditions:

1. That the Applicant's revised site plan dated July 3, 1985 and introduced as Applicant's Exhibit #13 be submitted to the Office of Planning and Zoning for site plan review as required by Article XII of the County Zoning Ordinance, and that the Applicant comply with any conditions which the Office of Planning and Zoning imposes as a result of that review; and

2. That the Office of Planning and Zoning determine the side marina lot line extensions and the marina basin based upon the Applicant's revised site plan of July 5, 1985 which is submitted as Applicant's Exhibit #13, that the final marina basin not be larger in area than the marina basin shown on Applicant's Exhibit #13; and

3. That the easternmost extension of the proposed pier be reduced by 30 feet in length from that shown on the Applicant's revised site plan of July 3, 1985, and that the "T" portion of that extension of the pier be moved 30 feet closer to the shore line for a resultant reduction of 4 slips from that extension of the pier; and

4. That the westernmost extension of the proposed community pier be reduced in length by 13 feet, and that the "T" of that extension of the pier be moved 13 feet closer to the shore with a resultant reduction of 2 slips; and

5. That the existing pier on the Applicant's property to the east of the proposed community pier not be used for the mooring or berthing of any boats; and

6. Upon completion of the proposed pier, all mooring buoys in Lake Ogleton used by members of the Annapolis Cove community cease to be used, and that during the use

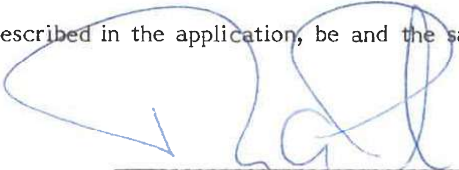
ORDER

Case No. V-372-84

Pursuant to the application of Annapolis Cove Homeowner's Association, Inc. for a Variance to permit a community marina on Lake Ogleton with total boat storage capacity of 50 boats (a Variance of 25 boats from the limitation that the total boat storage capacity not exceed 10 percent of the registered boats on Lake Ogleton) and a variance to permit the entrance driveway to be 10 feet from the south side property line (a variance of 5 feet from the requirement that an interior driveway be located not less than 15 feet from residential property), on the property as described in the application, and pursuant to the advertising, posting of the property, and a public hearing, all in accordance with the provisions of law, it is this 5th day of August, 1985

ORDERED by the Temporary Zoning Hearing Officer of Anne Arundel County, that the application for a Variance to permit a total boat storage capacity of 50 boats, as set out above, on the property described in the application, be and the same is hereby GRANTED AS MODIFIED to permit a total boat storage capacity of 44 boats (a variance of 19 boats from the limitation that total boat storage capacity not exceed 10 percent of the registered boats on Lake Ogleton) and,

ORDERED that the application for a variance to permit an interior driveway 10 feet from south side property line (a variance of 5 feet from the requirement that an interior driveway be located not less than 15 feet from any residential property line) as set out above, on the property described in the application, be and the same is hereby GRANTED.



ROGER A. PERKINS
TEMPORARY ZONING HEARING OFFICER

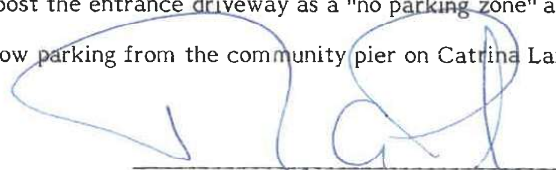
NOTICE TO THE APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals. Further, Section 13-339 of the Anne Arundel County Code states: Every Variance granted pursuant to the provisions of this subtitle shall become VOID unless the building permit conforming to plans for which the Variance was granted is obtained within one (1) year of said grant, and construction is completed within two (2) years thereof.

of the proposed community pier, no member of the Annapolis Cove community install any mooring buoys in Lake Ogleton; and

7. That the application is modified to permit the community pier with a total boat storage capacity of 44 boats; and

8. That the Applicant post the entrance driveway as a "no parking zone" and that the Applicant not permit overflow parking from the community pier on Catrina Lane.



ROGER A. PERKINS
TEMPORARY ZONING HEARING OFFICER

NOTICE

Within thirty (30) days from the date of this Decision, any person, firm, corporation or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

FURTHER: Pursuant to Section 13-341.1(d) of the Anne Arundel County Code, approval of a Special Exception shall be rescinded by operation of law if: (1) action to implement the said use is not begun within one (1) year of the Decision of the approving authority; and (2) the Special Exception use is not completed and in operation within two (2) years of the Decision (unless otherwise excepted).

PETITIONERS

EXHIBIT # 1

NAME

CASE

DATE

4-18-85

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

PETITIONER: Annapolis Cove
Homeowners Assoc.

ASSESSMENT DISTRICT: Second

CASE NUMBERS: S371-84, V372-84

COUNCILMANIC DISTRICT: Sixth

HEARING DATE: April 18, 1985

PREPARED BY: David M. Jenkins
Planner II

CASE AND SITE DESCRIPTION

Petitioner is requesting a special exception to permit a community marina, associated with a residential subdivision. A variance is also requested regarding access road setback from residential property lines.

The site is 3.03 acres in size and is zoned R-2, Residential. It is the designated recreation area of Plat Two, Section One of the Annapolis Cove residential subdivision, with 118 lots. The site has 50 feet of frontage along the north-east side of Catrina Lane, 1,500 feet north of Bay Ridge Road. It is designated as Parcel 164 in Block 9 of Tax Map 57 and is further described by the latest deed, title reference 3434/110.

The petitioner proposes a community marina to include a U shaped pier with 50 slips. A restroom facility, connected to public sewer, is within 95 feet of the pier. Water will be provided by an on site well. A 24 foot wide paved driveway provides access from Catrina Drive to the site. Ten parking spaces are provided with land available for additional parking, if required.

GOVERNING CRITERIA

Community marinas are a special exception use in the R-2 District as indicated by Section 13-343.9B of the County Zoning Ordinance. This same section also lists the specific requirements for a community marina. This use is also subject to the provisions of the MAI, Community Marina District, as listed in Section 13-321.1 through 13-321.13. All special exceptions are subject to the general provisions in Section 13-341.1 and site plan review as required by Article XII of the Zoning Ordinance.

FINDINGS

The site plan has been reviewed in accordance with Article XII of the Zoning Ordinance. As a result, conditional site plan approval is granted on the following conditions.

1. Approval of variance case V372-84 by the Zoning Hearing Officer regarding the access road setback.
2. Revision of the site plan indicating a 25 foot setback from the side property lines extended and indication that ancillary equipment required by a marina, as listed in Section 13-321.13 to include trash cans, boarding ladders, flotation devices and fire suppression equipment, will be provided.
3. Verification that at least 20 percent of the lots within the subdivision are owner occupied.

Agency review indicates no negative comments. The petitioner has submitted documentation regarding the Chesapeake Bay Critical Area for review by this office. A copy will be furnished to the Zoning Hearing Officer and the State.

CASE V372-84

The petitioner also requests a variance to Section 13-327.3(d) which requires all interior driveways and aisles to be located not less than 15 feet from any residential property line where all or part of the abutting property within 50 feet of the common line is developed or capable of being developed in a residential manner.

The petitioner proposes to serve to the community marina with a 24 foot wide drive from Catrina Lane. The drive would be as close as 10 feet from a south side property line. The adjacent property is zoned R-2. The petitioner then requests a variance of five feet.

With regard to Section 13-339 of the County Zoning Ordinance, by which a variance may be granted, the Office of Planning and Zoning would offer the following comments.

The subject lot has an unusual shape, making access to the site difficult. Further, the property has only 50 feet of frontage on Catrina Lane. Topo conditions on the site preclude other driveway locations.

Movement of the road is also precluded by an underground fire suppression water tank. Apparently the road cannot cover the tank and its pipe.

Agency review of the variance indicate no negative comments.

Based upon the above findings, the Office of Planning and Zoning would have no objection to the granting of the variance request.

R2
42724

SPECIAL EXCEPTION

ONE SIGN

TAX ACCOUNT NO. 2-005-900 33 450 CASE NUMBER S 371-84
ASSESSMENT DISTRICT 2ND DATE 11/5/84
COUNCILMANIC DISTRICT 6TH FEE PAID 120-

TO: Office of Planning and Zoning of Anne Arundel County

(I, We) ANNAPOLIS COVE HOMEOWNERS ASSOCIATION

who have a financial, contractual or proprietary interest, equal to or in excess of ten per cent (10%) (list all) of the property in Anne Arundel County, which is located 50'± on the EAST side of CATRINA LANE,
(frontage in feet) (N, S, E, W) (name of road, street, lane, etc.)
1500'± feet NORTH of BAY RIDGE ROAD,
(distance) (N, S, E, W) (nearest intersecting street)

hereby petition for a Special Exception to permit A COMMUNITY PIER
IN AN R-2 DISTRICT IN ACCORDANCE WITH SECTION 13-343.9B.

The property, comprising 3.03 acre(s), is described as RECREATION AREA ~~lot~~ in Section ONE/PLAT 2 of the ANNAPOLIS COVE Subdivision (if applicable),
designated as Parcel 164 in Block 9 of Tax Map 57, is further
described by the latest deed, contract or estate, title reference 3439/110.

The applicant hereby certifies and agrees as follows:
(1) that he is authorized to make this application; (2) that the information is correct;
(3) that he will comply with all regulations of Anne Arundel County which are applicable hereto:

SIGNED

Fred Lounsberry
(Applicant)

SIGNED

Fred Lounsberry
(Owner)
FOR OGLETON PROPERTY OWNERS ASSOC. INC

PRINT NAME

FRED LOUNSBERRY

PRINT NAME

FOR OGLETON PROPERTY OWNERS ASSOC. INC

MAILING ADDRESS

1279 LOG CANOE COURT
(Street or Post Office)

MAILING ADDRESS

1279 LOG CANOE COURT
(Street or Post Office)

ANNAPOLIS
(City)

MD
(State)

21403
(Zip Code)

ANNAPOLIS
(City)

MD
(State)

21403
(Zip Code)

TELEPHONE

TELEPHONE

BUSINESS # 268-9010

Tony Christy, Atty
269-6424
OFFICE USE ONLY

Petition accepted by the Office of Planning and Zoning

12-20-84
(Date)

Thomas Beck Kindt
Office of Planning and Zoning
Anne Arundel County

VARIANCE

R2
127/29

ONE SIGN.

TAX ACCOUNT NO. 2-005-90033450

CASE NUMBER V 872-84

ASSESSMENT DISTRICT 2ND

DATE 11/5/84

COUNCILMANIC DISTRICT 6TH

FEE PAID 85-

TO: Office of Planning and Zoning of Anne Arundel County

(I, We) ANNAPOLIS COVE HOMEOWNERS ASSOCIATION

who have a financial, contractual or proprietary interest, equal to or in excess of ten per cent (10%) (list all) of the property in Anne Arundel County, which is located

50'± on the EAST side of CATRINA LANE,
(frontage in feet) (N, S, E, W) (name of road, street, lane, etc.)

1500'± feet NORTH of BAY RIDGE ROAD,
(distance) (N, S, E, W) (nearest intersecting street)

hereby petition for a Variance to Section 13-321.1A(1) of the Anne Arundel County

Zoning Ordinance to permit ① A COMMUNITY PIER WITH 30+ BOATS MORE BOATS SLIPS THAN ALLOWED AND TO PERMIT A DRIVEWAY CLOSER TO A RESIDENTIAL PROPERTY LINE THAN ALLOWED TO PERMIT A 24' DRIVEWAY TO BE CLOSER THAN 15' FROM A RESIDENTIAL LOT LINE ②
for the following reasons:

1. Due to fact that 50 homeowners have expressed specific interest to have access to boat dock.
2. The rec area is served by a 50' r/w and the min. drive way width is 24'. (50'-24'=26', 30' required)

The property, comprising 3.03± acre(s), is described as Lot RECREATION AREA in Section ONE/PLAT 2 of the ANNAPOLIS COVE Subdivision (if applicable), designated as Parcel 164 in Block 9 of Tax Map 57, is further described by the latest deed, contract or estate, title reference 3434/110

The applicant hereby certifies and agrees as follows:

- (1) that he is authorized to make this application: (2) that the information is correct:
(3) that he will comply with all regulations of Anne Arundel County which are applicable hereto:

SIGNED

Fred Lounsberry
(Applicant)

SIGNED

Fred Lounsberry
(Owner)

PRINT NAME

FRED LOUNSBERRY

PRINT NAME

ANNE ARUNDEL PROPERTY OWNERS ASSOC. INC

MAILING ADDRESS

1279 LOG CANOE COURT
(Street or Post Office)

MAILING ADDRESS

7 WILLOW ST
(Street or Post Office)

ANNAPOLIS MD 21403
(City) (State) (Zip Code)

ANNAPOLIS MD 21403
(City) (State) (Zip Code)

TELEPHONE (Home)

TELEPHONE

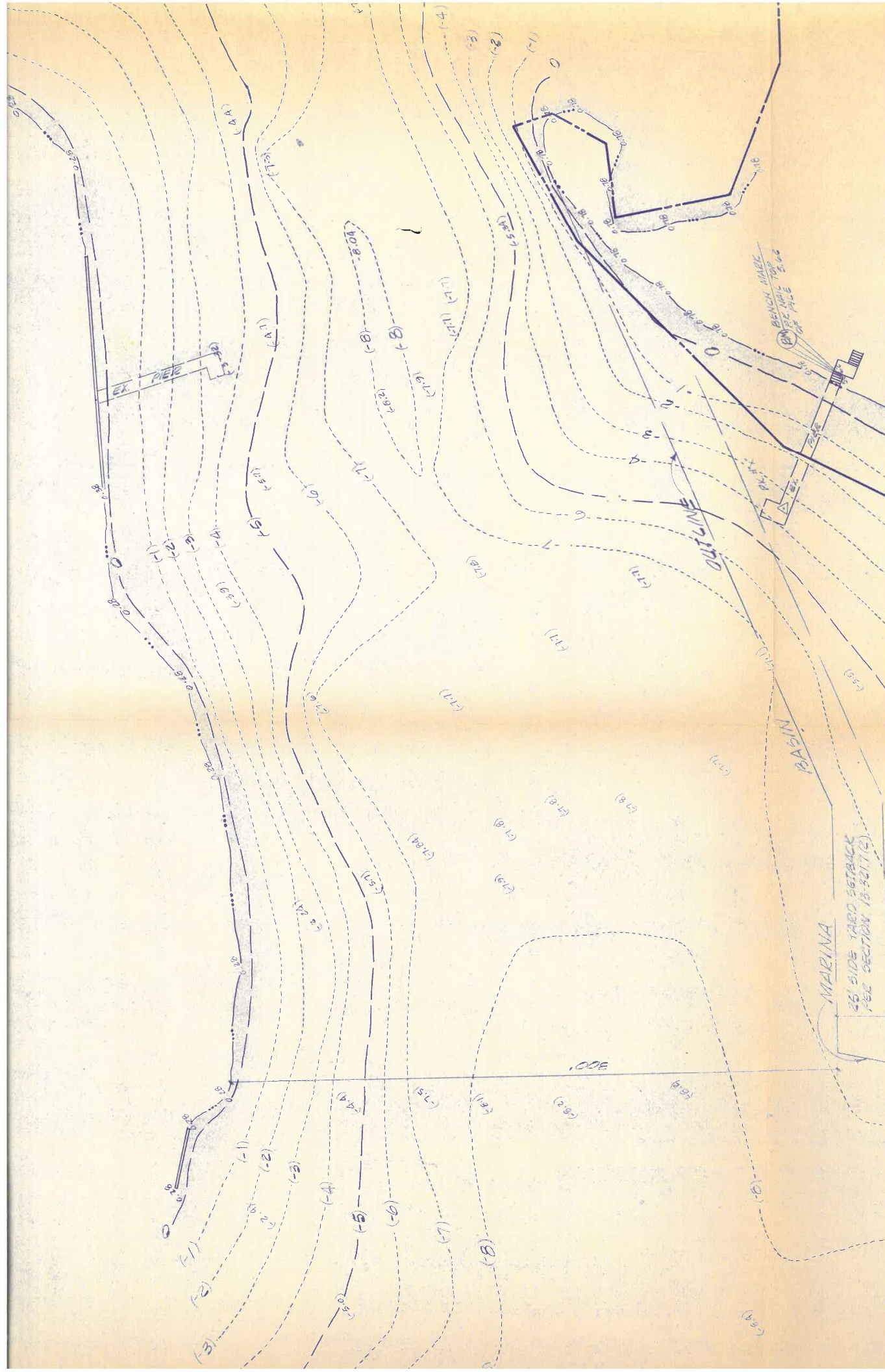
BUSINESS # 268-9010

OFFICE USE ONLY

Petition accepted by the Office of Planning and Zoning

(Date)

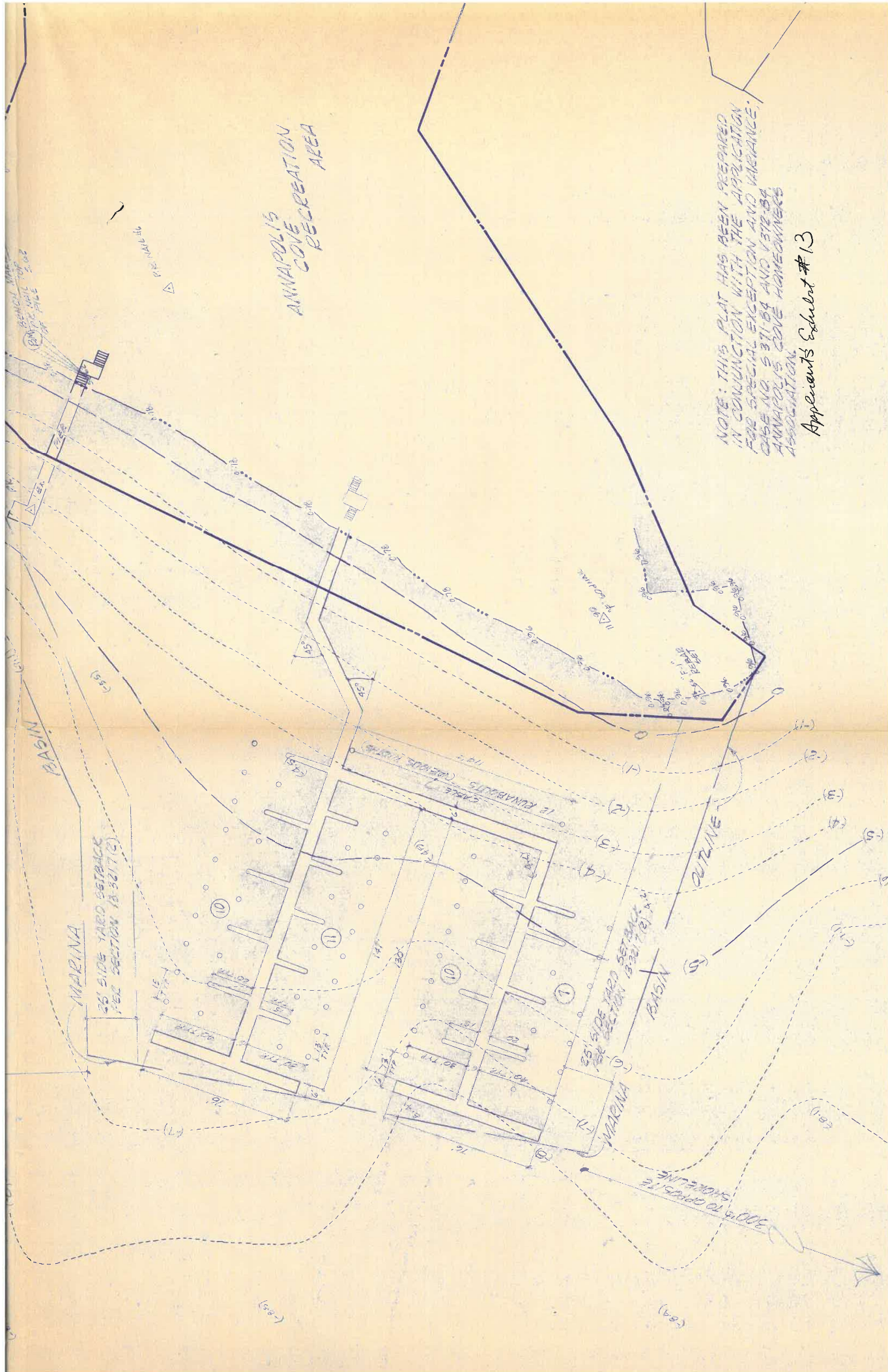
Office of Planning and Zoning
Anne Arundel County



ANNAPOLIS COVE RECREATION AREA

NOTE: THIS PLAT HAS BEEN PREPARED IN CONJUNCTION WITH THE APPLICATION FOR SPECIAL EXCEPTION AND VARIANCE, CASE NO. S 31184 AND V 312184, ANNAPOLIS COVE HOMEOWNERS ASSOCIATION

Applicant's Exhibit #13



IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBERS S-459-89 and V-460-89

IN RE:

Annapolis Cove Homeowners Association

Second Assessment District

Date Heard: March 1, 1990

Last Evidence Submitted: March 7, 1990

Site Visit: March 13, 1990

OPINION BY: PERKINS, TEMPORARY ADMINISTRATIVE HEARING OFFICER

DATE FILED: March 29, 1990

PLEADINGS

The Applicant, Annapolis Cove Homeowners Association (hereinafter referred to as the "Applicant"), is petitioning for a special exception to permit the expansion of an existing community pier in an R2 district (a special exception under Section 12-214 of the Zoning Code to permit a community pier in an R2 district) on the property fronting approximately 50.07 feet on the east side of Catrina Lane and approximately 200 feet north of Ketch Court in the Annapolis area. The Applicant, in its expansion, seeks approval for a total 54 slips, a variance from either the requirement of Section 5-119(1) or Section 12-214(a)(7)(ii) which limits the number of slips for a community pier in this subdivision

PUBLIC NOTIFICATION

The Temporary Administrative Hearing Officer reviewed the file and found that copies of the required newspaper publications were present in the file. This officer further reviewed the file and found that the certification of the Office of Community Affairs required by Section 11-109 was present and appeared correct. The Applicant submitted Petitioner's Exhibit 1, verifying that two sets of signs (one set facing Catrina Lane and one set facing Lake Ogleton) had been posted on the property for over two weeks as required by Section 11-107(b) of the Zoning Code.

ADDITIONAL EVIDENCE

On March 7, 1990, the Annapolis Roads Property Owners' Association submitted a resolution signed by its president verifying that Marjorie P. Crain, a member of that board, was authorized to speak on behalf of that association. On March 13, 1990, this Hearing Officer visited the site and viewed the existing community pier and site improvements.

FINDINGS AND CONCLUSIONS

Kevin P. Dooley testified on behalf of the Office of Planning and Zoning and submitted the report and recommendation of that office as Planning and Zoning Exhibit #1. Mr. Dooley pointed out that the Applicant's site comprises slightly over three (3) acres. The site is known as the Recreation Area in Section 1, Plat 2 of the Annapolis Cove Subdivision. The site is zoned R2, Residential, as the result of the comprehensive zoning process for the Annapolis Neck Peninsula, effective December 29, 1985. The site is on a small peninsula located along the western shoreline of Lake Ogleton. Pursuant to the approval granted on August 5, 1985, by this Hearing Officer in Case Nos. S-371-84 and V-372-84, the site is improved with a community pier with 44 slips.

Mr. Dooley pointed out that this application has to meet the requirements of Section 12-214 of the Zoning Regulations. This includes compliance with the development standards of the MA1 District. Further, the Applicant has to meet the general standards of Section 12-104 and the site plan requirements of Title 15.

The Applicant proposes to use the existing improvements with two pier additions. The addition to be constructed onto the end of the existing eastern pier would extend approximately 52 feet further into Lake Ogleton and provide for six (6) slips. Further, the Applicant would construct a pier extending in an easterly direction which would accommodate three (3) slips.

Mr. Dooley felt that the most important issue to address was the number of slips allowed by the Zoning Code. Section 5-119(1) limits the boat storage capacity for this facility to ten percent (10%) of the registered boats on the waterway in which the facility is located. In Case No. S-371-84, this Hearing Officer defined that waterway as Lake Ogleton. As such, the number of permitted slips was 25. A variance was granted to allow 44 slips. Mr. Dooley pointed out that the "waterway in which the facility is located" is the Severn River under Section 1-101(73). Therefore, the earlier determination was in error. With 4,791 boats currently registered on the Severn River, the capacity of this facility could be 479 slips. (Currently, there are 346 boats registered on Lake Ogleton, thus allowing 35 slips under the incorrect interpretation).

Alternatively, under Section 12-214(a)(7)(ii), the number of slips that could be permitted is based upon the shoreline within the subdivision. The Applicant would be allowed one slip for each fifty (50) feet of shoreline within the Limited Development Area (LDA) and one slip for each 300 feet of shoreline in the Resource Conservation Area (RCA). Mr. Dooley has calculated that this would

provide for fifty (50) slips, which he considers a reasonable number. With this limitation, and with certain modifications, the Applicant's proposal will comply with the standards for special exception. One modification is that the proposed rest rooms must be relocated about 25 feet to the east so that the Applicant will comply with the 100 foot front yard setback and buffer requirements. Mr. Dooley was of the opinion that the additional slips should be constructed on the proposed new pier heading toward the east. The Applicant should not be permitted to extend the existing eastern pier further into Lake Ogleton.

The grant of the special exception and variance must be consistent with the development standards of the Critical Areas Program. A Critical Areas report has been prepared by Sigma Associates. That report has been reviewed by Penelope Chalkley of the Environmental Section of the Office of Planning and Zoning. With the imposition of the conditions which Ms. Chalkley recommended, this project will comply with the standards of the Critical Areas Program.

The Applicant was represented Anthony Christhilf, attorney at law. Dimitri Sfakiyanudis, professional engineer, testified on behalf of the Applicant. He concurred with the testimony of Mr. Dooley that this application meets the standards for this special exception. The Applicant did not dispute that the number of slips allowed on this site pursuant to Section 12-214(a)(7)(ii) is 50. However, the Applicant questioned whether any of its subdivision should have been included in the RCA area since that area has been

developed more intensely in accordance with the R2, Residential zoning. In the Applicant's view, this justifies the grant of a variance to allow 53 slips.

Lester Hunkele is Chairman of the Marina Committee and dockmaster for the Applicant. The Applicant needs the increased number of slips because of growth in the community. Generally, the waiting list has increased by two or three residents per year. He submitted Exhibit A showing 14 members of the community on the waiting list, one of whom has been on that list for 28 months. He feels there is a need for the increased number of slips.

Richard Schoeller, a resident of the neighboring community of Anchorage, spoke. He was concerned that the 50 to 60 foot additional length onto the existing eastern pier would interfere with navigation on Lake Ogleten.

SPECIAL EXCEPTION

Based upon the testimony of Mr. Dooley and Mr. Sfakiyanudis, I find that this application complies with the specific requirements of Section 12-214 of the Zoning Code. Further, the application meets the general standards of Section 12-104 of the Zoning Code. With regard to many of those general standards, reference is made to the opinion in Case No. S-371-84. In this application, the Applicant has provided the positive or no comment written recommendations of the Health Department, Department of Public Works, and Department of Utilities. Based upon the testimony of Mr. Hunkele, I find that there is a need for additional slips at the Applicant's community pier.

VARIANCE

In Case No. S-371-84, this Hearing Officer ruled that the number of slips allowed at this community pier was ten percent (10%) of the number boats moored in Lake Ogleton. Based on further review, including the testimony of Mr. Dooley, I find that this limitation was in error. I also accept Mr. Dooley's opinion that the number of slips for this pier should not exceed 50 based on Section 12-214(a)(7)(ii) of the Zoning Code.

A major issue in the hearing in 1985 was the size of the pier when compared to other piers on Lake Ogleton. For that reason, the pier was scaled back.

The visit to the site has convinced me that there should be no extension of the existing eastern pier. Any extension of the existing eastern pier would be out of scale with Lake Ogleton. Therefore, any additional slips should be limited to the proposed new pier. That pier will be built within the area between the existing community pier and a small fishing pier. That extension will not interfere with any navigation on Lake Ogleton. The Applicant will be granted approval for 50 slips. This approval is subject to the condition that the proposed pier will have to be redesigned to accommodate six (6) additional slips. This redesign will have to be approved by the Office of Planning and Zoning.

SPECIAL EXCEPTION
S-459-89
ORDER

Pursuant to the application of Annapolis Cove Homeowners Association for a special exception to permit the expansion of a community pier (a special exception under Section 12-214 of the Zoning Code to permit a community pier in a R2 district) on the property as described in the application, and pursuant to the advertising, notice to community associations, posting of the property, and a public hearing, all in accordance with the provisions of law, it is this 29 day of March, 1990 **ORDERED** by the Temporary Administrative Hearing Officer of Anne Arundel County, that the Application for a special exception, as set out above, on the property described in the application, be and the same is hereby **GRANTED**, subject to the following conditions:

1. The total boat storage capacity of the community pier shall not exceed 50 boats.
2. The existing eastern pier shall not be extended to accommodate any of these additional slips. All of the additional slips shall be placed on the proposed eastern pier. That pier shall be redesigned by the Applicant to allow six slips or such lesser number as are possible. Those slips shall be located in the marina basin with proper setbacks. The redesigned pier extension shall be approved by the Office of Planning and Zoning.
3. The sanitary facilities shall be located at least 100 feet from the shoreline.
4. Launching facilities shall not be permitted.
5. The area behind the bulkhead and paved access way shall be planted for a depth of 40 feet with a variety of native trees, shrubs, and groundcover.
6. An additional buffer of 100 feet from the shoreline shall be planted with trees and shrubs.

7. A planting plan consistent with Conditions 5 and 6 shall be submitted to the Office of Planning and Zoning for approval and shall be bonded and scheduled.

8. Runoff from impervious surfaces shall be managed to achieve water quality.

9. The existing pier to the east of the existing main pier (fishing pier) shall not be used for the mooring or berthing of any boats.

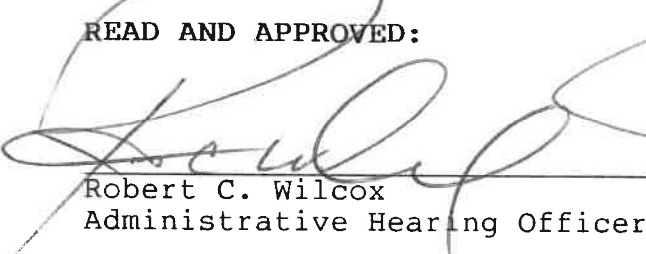
10. Members of the Annapolis Cove community shall not install any mooring buoys in Lake Ogleton.

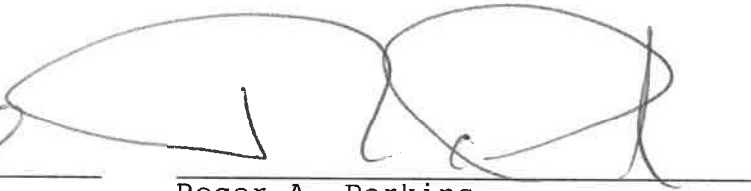
11. Overflow parking from the community pier shall not be permitted on Catrina Lane.

12. All remaining conditions of the original approval in Case No. S-371-84 shall remain in effect.

13. The pier extension shall comply with the requirements of the Office of the Fire Marshall.

READ AND APPROVED:


Robert C. Wilcox
Administrative Hearing Officer

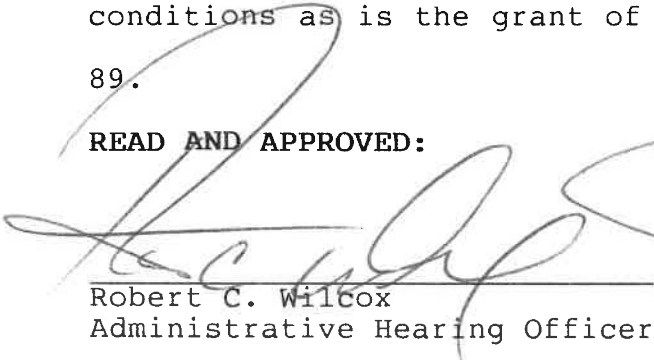

Roger A. Perkins
Temporary Administrative
Hearing Officer

VARIANCE
V-460-89
ORDER

Pursuant to the application of Annapolis Cove Homeowners Association for a variance on the property as described in the application, and pursuant to the advertising, posting of the property, and a public hearing, all in accordance with the provisions of law, it is this 29 day of March, 1990
ORDERED by the Temporary Administrative Hearing Officer of Anne

Arundel County, that the Applicant is granted a variance to expand its community pier from 44 slips to 50 slips (a variance from the special exception and variance which were previously approved to allow a community pier with 44 slips) subject to the following condition: The grant of this variance is subject to the same conditions as is the grant of the special exception in Case 459-89.

READ AND APPROVED:



Robert C. Wilcox
Administrative Hearing Officer



Roger A. Perkins
Temporary Administrative
Hearing Officer

NOTICE TO APPLICANT:

Within thirty (30) days from the date of this Decision, any person, firm, corporation or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Section 12-107 of the Zoning Article states:

Approval of a Special Exception is rescinded by operation of law if:

(1) action to implement the use is not begun within one year after the decision of the approving authority; and

(2) the use is not completed and in operation within two years after the decision.

Section 11-102.1 of the Zoning Article states:

A Variance granted under the provisions of this Article shall become void unless a building permit conforming to plans for which the Variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

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

PETITIONER: Annapolis Cove ASSESSMENT DISTRICT: Second
Homeowners Assoc.

CASE NUMBERS: S459-89 and V460-89 COUNCILMANIC DISTRICT: Sixth

HEARING DATE: March 1, 1990 PREPARED BY: Kevin P. Dooley
Planner II

REQUEST

The petitioner, in this instance, is seeking a special exception to permit the expansion of an existing community pier in an R2 District. Concurrently, the petitioner seeks a variance to permit a greater number of slips than allowed.

LOCATION AND DESCRIPTION OF SITE

The subject site comprises 3.03 acres, more or less, fronting 50.07 feet on the east side of Catrina Lane, approximately 200 feet north of Ketch Court. Known as the Recreation Area in Section 1, Plat 2 of the Annapolis Cove Subdivision, which is designated as Parcel 164 in Block 9 of Tax Map 57, the site is described by the latest deed, title reference 3434/110.

The current R2, Residential, zoning of the site was received as a result of the comprehensive zoning process for the Annapolis Neck Peninsula, effective December 29, 1985.

The site is a small peninsula located along the western shoreline of Lake Ogleton and is improved with a community pier accommodating 44 slips.

PROPOSAL

Should the requests be granted, the petitioner proposes to increase the number of slips by nine for a total of 53 slips. Two additions to the pier would be constructed.

SPECIAL EXCEPTION STANDARDS

The criteria by which a special exception for a community pier may be granted are set forth under Section 12-214 of the Zoning Regulations, including compliance with the development standards of the MA1 District. Additionally, all special exceptions are subject to the general standards of Section 12-104 and the site plan requirements of Title 15 of the Regulations.

VARIANCE

Under the special exception standards, Section 12-215(a)(7)(ii) limits the number of slips permitted by the amount of shoreline within the subdivision. In this instance, the number of slips permitted would be 50 and with the proposed number of slips at 54 the variance need is four additional slips.

The standards by which a variance may be granted are set forth under Section 11-102.1 of the Zoning Regulations.

FINDINGS

The existing community pier was previously approved by the Temporary Zoning Hearing Officer on August 5, 1985. This approval contained several conditions including a limitation on the total boat storage capacity of 44 boats.

Under the present proposal, the existing improvements on the site would be utilized except for the construction of the two pier additions, for the nine new slips. Additionally, rest room facilities would be constructed.

A review of the proposal under the special exception standards has determined that the project would comply with those standards with certain modifications. The proposed rest rooms would be located approximately 90 feet from the shoreline in conflict with the 100 foot front yard setback and buffer requirements. If relocated about 25 feet eastward, the setback and buffer requirements would be met.

The addition to be constructed onto the end of the eastern pier would extend approximately 52 feet farther into Lake Ogleton than the existing pier and provide for six slips. Although this extension would be larger than the marina basin established by the Hearing Officer, it would comply with the basin limitations of Sections 5-120 and 5-124.

An important consideration in this proposal relating directly to the variance is the appropriate number of slips to be permitted. Section 5-119(1) limits the boat storage capacity for the facility to be 10 percent of the registered boats on the waterway in which the facility is located. In the previous approval the Hearing Officer considered the waterway to be Lake Ogleton but Section 1-101(73) defines the waterway as the main body and tributaries of the Severn River. With 4,791 boats currently registered, the capacity of this facility could be 479 boats.

A more realistic limit on the number of boats that could be permitted is that based upon the shoreline within the subdivision. Section 12-214(a)(7)(ii) relates to the Chesapeake Bay Critical Area Program allowing one slip for each 50 feet of shoreline within the Limited Development area and one slip for each 300 feet in the Resource Conservation area. The various sections of the Annapolis Cove Subdivision contain approximately 2,060 feet of shoreline in the Limited Development and 460 feet in the Resource Conservation, allowing for a total of 50 slips. It is the opinion of this office that this would provide for reasonable number of slips.

The grant of the special exception and variance must be consistent with the development standards of the Critical Area Program. No dredging is proposed but much of the undergrowth on the site has been cleared necessitating additional plantings.

RECOMMENDATION

Based upon the findings discussed, the Office of Planning and Zoning must recommend for denial of the variance but would recommend for approval of the special exception with the following conditions.

1. The total boat storage capacity of the community pier shall not exceed 50 boats.
2. The sanitary facilities shall be located at least 100 feet from the shoreline.
3. Launching facilities shall not be permitted.
4. The area behind the bulkhead and paved access way shall be planted for a depth of 40 feet with a variety of native trees, shrubs, and groundcover.
5. An additional buffer of 100 feet from the shoreline shall be planted with trees and shrubs.
6. A planting plan consistent with Conditions 4 and 5 shall be submitted to the Office of Planning and Zoning for approval and shall be bonded and scheduled.
7. Runoff from impervious surfaces shall be managed to achieve water quality benefits.
8. The existing pier to the east of the existing main pier shall not be used for the mooring or berthing of any boats.
9. Members of the Annapolis Cove community shall not install any mooring buoys in Lake Ogleton.
10. Overflow parking from the community pier shall not be permitted on Catrina Lane.
11. The pier extension shall comply with the requirements of the Office of the Fire Marshall.

KPD/jmr

CASE NUMBER S- 459-89
FEE PAID 130.00
DATE 11-7-89



ZONE/ R2 ALEX/ 26D3
200 MAP/ 27 1000 MAP/ 24

SPECIAL EXCEPTION APPLICATION

APPLICANT: ANNAPOLIS COVE HOMEOWNER'S ASSOCIATION
(print names of all persons having 10% or more interest in the property)

ADDRESS OF PROPERTY: 3129 CATRINA LANE ANNAPOLIS, MD

DESCRIPTION OF PROPERTY: 50 feet of frontage on the (N, S, E W) side of
CATRINA LANE street, road, (lane) etc; 200 ± feet (N, S, E, W) of
KETCH COURT street, road, lane, etc. (nearest intersecting street)

WATERFRONT LOT X CORNER LOT _____ (check if applicable) ZONING OF PROPERTY R - 2

TAX ACCOUNT NUMBER 2.005 - 90033450 ASSESSMENT DISTRICT 2 COUNCILMANIC DISTRICT 6

DEED TITLE REFERENCE 3434 @ 110 PLAT BK 82@30 REC (164) AREA (sq.ft./acre) 3.030A LOT NUMBER RECR.AREA

TAX MAP 57 BLOCK 3 164 - RECR (164) PARCEL AREA SUBDIVISION NAME ANNAPOLIS COVE SECTION 2

SPECIAL EXCEPTION REQUESTED: EXPANSION OF EXISTING COMMUNITY PIER expansion on R2 Dist

DESCRIPTION OF SPECIAL EXCEPTION REQUESTED: (explain in sufficient detail describing proposed use, attach additional sheets, if necessary)

APPLICANT REQUESTS S. E. FOR THE ADDITION OF 9 (NINE) NEW SLIPS TO EXISTING COMMUNITY
MARINA LOCATED IN LAKE OGLETON.

THE APPLICANT HEREBY CERTIFIES THAT HE OR SHE HAS A FINANCIAL, CONTRACTURAL, OR PROPRIETARY INTEREST EQUAL TO OR IN EXCESS OF 10 PERCENT OF THE PROPERTY, THAT HE OR SHE IS AUTHORIZED TO MAKE THIS APPLICATION, THAT THE INFORMATION SHOWN ON THIS APPLICATION IS CORRECT, AND THAT HE OR SHE WILL COMPLY WITH ALL APPLICABLE REGULATIONS OF ANNE ARUNDEL COUNTY, MARYLAND.

Arthur R Butler
applicant's signature
ARTHUR R. BUTLER, PRES.
print name
3100 DROGUE COURT
street number, street, PO box
ANNAPOLIS, MD 21403
city, state, zip code
(301) 268 - 2289 (202) 267 - 0113
home phone business phone

Arthur R Butler
owner's signature
ARTHUR R. BUTLER, PRES.
print name
3100 DROGUE COURT
street number, street, PO box
ANNAPOLIS, MD 21403
city, state, zip code
(301) 268 - 2289 (202) 267 - 0113
home phone business phone

OFFICE USE

Application accepted by the Office of Planning and Zoning

11/8/89
date

By [Signature]
Office of Planning and Zoning, Anne Arundel County

CASE NUMBER V- 460-89
FEE PAID 95-
DATE 11-7-89



ZONE R2 ALEX 26D3
200 MAP Y27 1000 MAP 29

VARIANCE APPLICATION

APPLICANT: ANNAPOLIS COVE HOMEOWNER'S ASSOCIATION
(print names of all persons having 10% or more interest in the property) D3

ADDRESS OF PROPERTY: 3129 CATRINA LANE ANNAPOLIS, MD

DESCRIPTION OF PROPERTY: 50 feet of frontage on the (N, S, E, W) side of
CATRINA LANE street, road, lane, etc; 200 ⁺ feet (N, S, E, W) of
KETCH COURT street, road, lane, etc. (nearest intersecting street)

WATERFRONT LOT X CORNER LOT _____ (check if applicable) ZONING OF PROPERTY R - 2

TAX ACCOUNT NUMBER 2.005 - 90033450 ASSESSMENT DISTRICT 2 COUNCILMANIC DISTRICT 6

DEED TITLE REFERENCE 3434 @ 110 PLAT BK REC 82 @ 30 (164) AREA (sq.ft./acre) 3.030A LOT NUMBER REGR.AREA

TAX MAP 57 BLOCK 9 ¹⁶⁴ ~~AREA~~ ^{REGR (164)} SUBDIVISION NAME ANNAPOLIS COVE SECTION 2

SECTION OF CODE PERTAINING TO REQUESTED VARIANCE (12 - 214 (a)(7)) *to permit expansion of prop. closer to the center of a creek & closer to other prop. lots*
DESCRIPTION OF VARIANCE REQUESTED: (explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.)
VARIANCE TO PERMIT MORE SLIPS THAN ALLOWED.

THE APPLICANT HEREBY CERTIFIES THAT HE OR SHE HAS A FINANCIAL, CONTRACTURAL, OR PROPRIETARY INTEREST EQUAL TO OR IN EXCESS OF 10 PERCENT OF THE PROPERTY, THAT HE OR SHE IS AUTHORIZED TO MAKE THIS APPLICATION, THAT THE INFORMATION SHOWN ON THIS APPLICATION IS CORRECT, AND THAT HE OR SHE WILL COMPLY WITH ALL APPLICABLE REGULATIONS OF ANNE ARUNDEL COUNTY, MARYLAND.

Arthur R. Butler
applicant's signature
ARTHUR R. BUTLER, PRES.
print name
3100 DROGUE COURT
street number, street, PO box
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city, state, zip code
(301) 268 - 2289 (202) 267 - 0113
home phone business phone

Arthur R. Butler
owner's signature
ARTHUR R. BUTLER, PRES.
print name
3100 DROGUE COURT
street number, street, PO box
ANNAPOLIS, MD 21403
city, state, zip code
(301) 268 - 2289 (202) 267 - 0113
home phone business phone

OFFICE USE

Application accepted by the Office of Planning and Zoning _____ date _____

By _____
Office of Planning and Zoning, Anne Arundel County

7. MAXIMUM LOT COVER
10% OR 13,128 sq ft
8. SANITARY FACILITY RE
1-22 51178
TALL
MALE
1
PROVIDED

OGLETON

LAKE



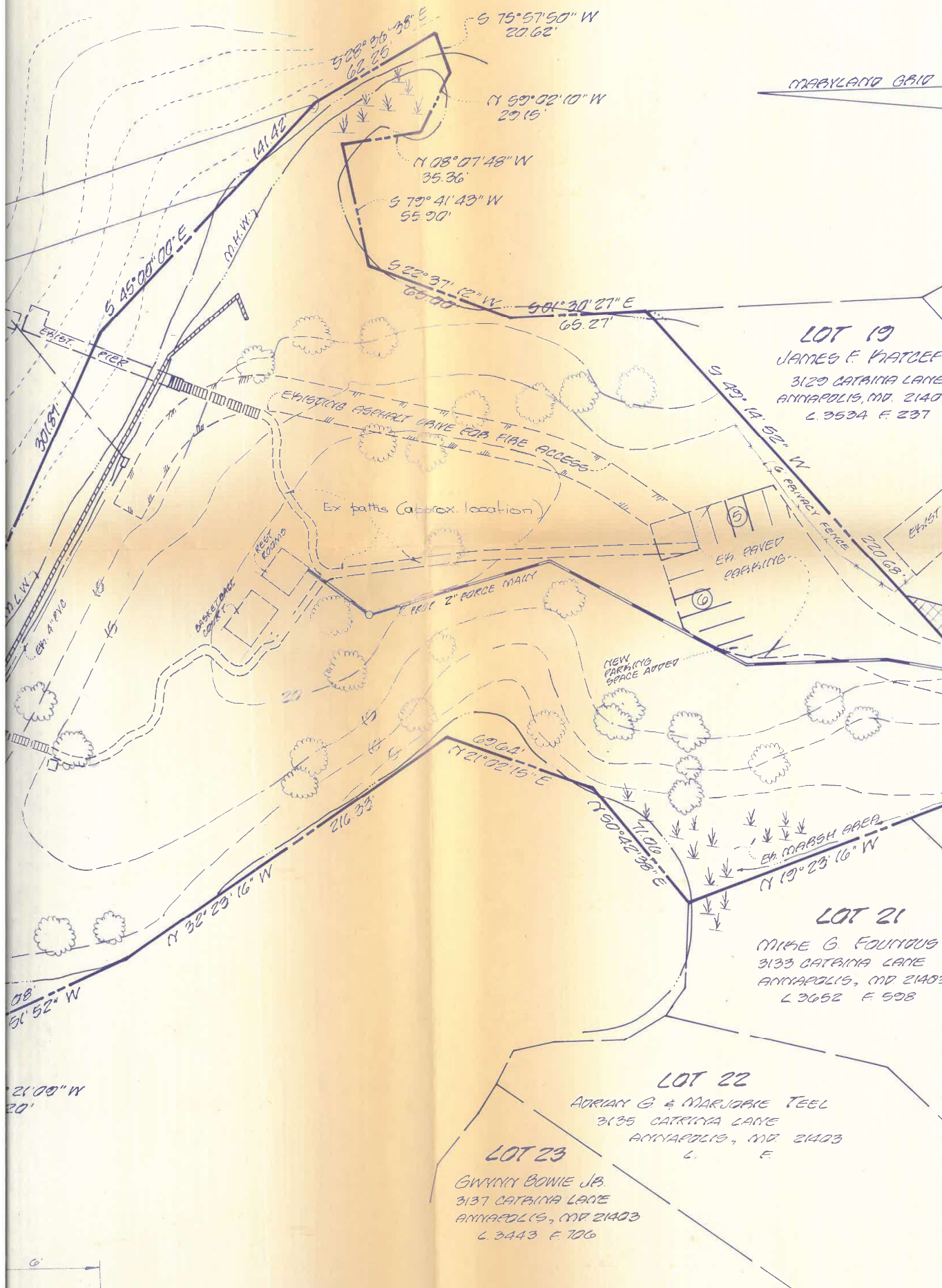
NOTES

TEST PILES
TE PILE...
24" C.C.A.
PILES TO BE
PILINGS TO USE
1/2" THREAD
3/4" DIA

MINIMUM LOT COVERAGE ALLOWED IS 70% OR 72,390 $\pm$ LOT COVERAGE IS
 41 SLIPS & 12 TIE UPS REQUIRE 11 SPACES. 11 PROVIDED
 4, OR 13,198 $\pm$

WASTEWATER FACILITY REQUIREMENTS:

TOILETS	URINALS	LAVATORIES
MALE	MALE	MALE
FEMALE	FEMALE	FEMALE
PROVIDED	1	1



RE 11 SPACES. 11 PROVIDED
390 ± LOT COVERAGE 13

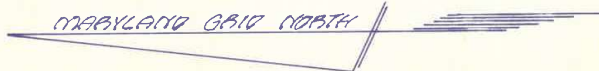
TORIES
FEMALE

S 75°57'50" W
20.62'

N 59°02'10" W
29.16'

S 08°07'48" W
35.36'

S 41°43' W
30'



LOT 16

ERNE & MARGARET
208 CARRINGTON
EDGEWATER, MD.
L. 3372. F. 4

LOT 17

JOHN GIMMARS, JR.
17 WINGLOW COURT
ANNAPOLIS, MD. 21403
L. 3374 F. 380

LOT 19

JAMES F. KATCEP
3129 CATRINA LANE
ANNAPOLIS, MD. 21403
L. 3534 F. 237

EXISTING HOUSE

INGRESS/EGRESS
EASEMENT
L. 3425 F. 420

S 19°23'16" E
88.06'

LOT 20

ROBERT & KATHY SMITH
3131 CATRINA LANE
ANNAPOLIS, MD. 21403
L. 3449 F. 333

LOT 21

MIKE G. FOUNOUS
3133 CATRINA LANE
ANNAPOLIS, MD. 21403
L. 3652 F. 598

NEW MARSH AREA

LOT 22

ADRIAN G & MARJORIE TEEL
3135 CATRINA LANE
ANNAPOLIS, MD. 21403
L. F.

LOT 23

GWINNY BOWIE JR.
3137 CATRINA LANE
ANNAPOLIS, MD. 21403
L. 3443 F. 106

CATRINA

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER V-58-91

RE: ANNAPOLIS COVE HOMEOWNERS ASSOCIATION

SECOND ASSESSMENT DISTRICT

DATE HEARD: April 30, 1991

ORDERED BY: ROBERT C. WILCOX, ADMINISTRATIVE HEARING OFFICER

DATE FILED: MAY 3, 1991

PLEADINGS

The Applicant, Annapolis Cove Homeowners Association, is petitioning for a variance to permit a community marina with a portable sanitary facility or in the alternative no sanitary facility on property located along the southeast side of Catrina Lane, north of Bay Ridge Road, Annapolis.

PUBLIC NOTIFICATION

At the hearing the Administrative Hearing Officer reviewed the file and ascertained that the case had been advertised in accordance with the provisions of the Code. Robert A. Smith, a member of the Board of Directors, testified that the property had been posted for more than fourteen (14) days prior to the hearing.

FINDINGS & CONCLUSIONS

The Applicant/Association owns and manages a 3.03 acre recreation parcel in the Annapolis Cove Subdivision, Annapolis. The property is zoned R2 - Residential and is used primarily as a 50 slip community pier. In 1985 the Applicant applied for and received special exception approval to construct a 44 slip pier (Case S-371-84) which thereafter was modified allowing the construction of six (6) additional slips. See Case S-459-89.

The Anne Arundel County Code requires that community marinas be equipped with on site sanitary facilities. (Anne Arundel County, Article 28, Section 12-214(a)(4). Section 5-125 of Article 28 prohibits the location of these facilities in a Critical Area Buffer or within 150 feet of the pier. Although the community marina is now a

reality, no sanitary facility was ever constructed. This case seeks a variance to the requirement for a sanitary facility or, in the alternative, placement of a portable facility in a location agreeable to the community.

Richard Josephson, a zoning analyst with the Office of Planning and Zoning, testified that the subject property has only two (2) potential locations for a permanent sanitary facility, neither of which comports with zoning code's performance criteria. While the sanitary facility could be placed near an area basketball court, this site is more than 150 feet from the pier. The remaining locations are all within the Critical Area Buffer zone. It was suggested by Mr. Josephson that this Catch 22 situation could be resolved by the placement of a portable facility in or adjacent to an existing structure which currently houses the facility's electric panel. This compromise would remove the sanitary facility from the public eye while at the same time affording compliance with the County's health and zoning code requirements. Robert A. Smith, a board member with the Annapolis Code Homeowners Association, indicated that some homes are located as far as seven-tenths of a mile from the pier. This distance, in my opinion, is too far for the casual boater to traverse if bathroom facilities are needed.

CRITICAL AREAS

The subject property is located within 1000' of tidal waters. It is, therefore, subject to the Chesapeake Bay Critical Areas Law, Maryland Code, Natural Resources Article, Section 8-1808 et seq. The Applicants have submitted the required environmental impact

reports which were reviewed by the Office of Planning and Zoning and found to be acceptable. Based on the recommendations of the Office of Planning and Zoning, I find that:

1. The proposed portable facility will not have an adverse impact on water quality resulting from pollutant discharge, and
2. All fish, wildlife and plant habitats have been identified and the proposal will not threaten or diminish any of the habitats.

Based on the foregoing, I find and conclude that a variance to the strict compliance with the zoning code's requirement for a permanent sanitary facility on the subject property is justified. I further find that a portable sanitary facility located in the structure currently housing marina's electric panel would not adversely affect any of the adjoining properties or alter the essential characteristics of the neighborhood. I further find that this facility would be the minimum necessary to afford relief.

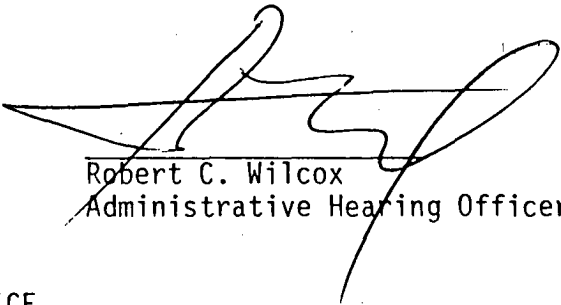
Accordingly, Applicant's request for a variance to the strict requirement for a permanent sanitary facility required by the County Code shall be GRANTED and, in lieu thereof, the Applicant shall place a portable sanitary facility on site from April through October. The facility shall be located in or adjacent to the shed structure currently housing the marina's electrical panel as identified on the Applicant's site plan.

ORDER

PURSUANT to the application of Annapolis Cove Homeowners Association, petitioning for a variance to permit a community marina with a portable sanitary facility; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 3 day of May 1991,

ORDERED by the Administrative Hearing Officer of Anne Arundel County that the Applicant's request for a variance to the strict requirement for a permanent sanitary facility required by the County Code is hereby GRANTED and, in lieu thereof, the Applicant shall place a portable sanitary facility on site from April through October. The facility shall be located in or adjacent to the shed structure currently housing the marina's electrical panel as identified on the Applicant's site plan.



Robert C. Wilcox
Administrative Hearing Officer

NOTICE

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A Special Exception or Variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the Special Exception or Variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

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

APPLICANT: Annapolis Cove
Homeowners Association

ASSESSMENT DISTRICT: Second

CASE NUMBER: V58-91

COUNCILMANIC DISTRICT: Sixth

HEARING DATE: April 30, 1991

PREPARED BY: Richard Josephson
Planner

REQUEST

The applicant is requesting a variance to allow a community marina without providing sanitary facilities.

LOCATION AND DESCRIPTION OF SITE

The subject property comprises 3.03 acres located in the Annapolis Cove Subdivision in the Annapolis area. The property is the designated recreation area of the Annapolis Cove Subdivision as shown on Plat 2, Section 1 of the record plat, also shown on Tax Map 57, Block 9, Parcel 164, and developed by a 50 slip community pier.

The property has been zoned R2 since adoption of comprehensive zoning for the Annapolis Neck in 1985.

The property is located in and is subject to Chesapeake Bay Critical Area Regulations.

APPLICANT'S PROPOSAL

The applicant obtained approval of a 44 slip community pier in 1985 by Case Numbers S371-84 and V372-84 (copy attached) and constructed the pier in 1986. The pier was expanded thereafter by the addition of six slips, approved by Special Exception S459-89 and V460-89 (copy attached).

Subsequently, efforts were made by the Homeowners Association to construct the required sanitary facilities on the subject property and in January 1990, the applicant applied for a building permit to construct a 20 foot by 20 foot structure to accommodate the required sanitary facility. The Office of Planning and Zoning, Environmental Division, advised the applicant that the sanitary facility could not be located in a buffer from the waterfront and would have to be situated in one of two areas on the site, either next to the existing basketball court or in the parking area.

Section 5-125 of the Zoning Regulations requires that sanitary facilities be provided for community piers, but prohibits their location in a critical area buffer. Section 5-125 also requires that sanitary facilities be located no farther than 150 feet from a pier.

Since the applicant believes that the location suggested by the Office of Planning and Zoning is too distant from the pier, will have a detrimental impact on nearby property owners, and will reduce parking, a variance is requested to exclude the requirement for sanitary facilities.

RECOMMENDATION

The subject site is unique in that it limits the area where the sanitary facility can be located to two locations on the site, neither of which appears to be desirable to the applicant or the County.

This community pier facility and recreation area serves approximately 210 lots on either side of Bay Ridge Road. It is staff's opinion that if the required sanitary facility cannot be located outside the required buffer a facility consisting of one portable toilet be placed in the buffer to serve the site.

RJ/jmr

CASE # V-58-91
FEE PAID 95.00
DATE 3-12-91

(2)



ZONE R2 ALEX 26 D3
200 MAP 127 1000 MAP ---

VARIANCE APPLICATION

Applicant: Annapolis Cove Homeowners Association

(All persons having 10% or more interest in property)

Property Address: 3131 Catrina Lane, Annapolis, Maryland 21403

Property Location: 50 feet of frontage on the (n, s, e, w) side of
Catrina street, road, lane, etc.; 1,500 feet
(n, s, e, w) of Bay Ridge Road street, road, lane, etc. (nearest intersecting street).

Tax Account Number 200590033450 Tax District 2 Council District 6

Waterfront Lot Yes Corner Lot No Deed Title Reference 3434/110

Plat 2

Zoning of Property R-2 Lot # Section Tax Map 57 Block 9 Parcel 164

Area (sq. ft. or acres) 3.03 Acres Subdivision Name Annapolis Cove

Variance to permit a community marina without a sanitary facility.
Description of Proposed Variance Requested (Explain in sufficient detail including distances from
property lines, heights of structures, size of structures, use, etc.) Variance to Anne Arundel County
Planning and Zoning Code (Article 28 Section 5-125) "Sanitary Facility" to
permit a Community Marina without a sanitary facility. See attach. sheets for
justification.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Robert A. Smith
Applicant's Signature
Robert A. Smith - Member Board of Directors
Annapolis Cove Homeowners Association

Print Name
3131 Catrina Lane
Street Number, Street, PO Box
Annapolis, MD 21403

City, State, Zip
20704 MD 21403

Home Phone (202) 566-6903 Work Phone

Joseph D. Morgan
Owner's Signature
Joseph D. Morgan - President Board of
Directors-Annapolis Cove Homeowners Association

Print Name
Droque Court
Street Number, Street, PO Box
Annapolis, MD 21403

City, State, Zip

Home Phone Work Phone

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

[Signature]
Signature

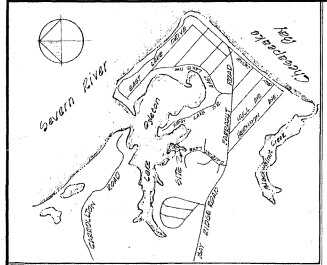
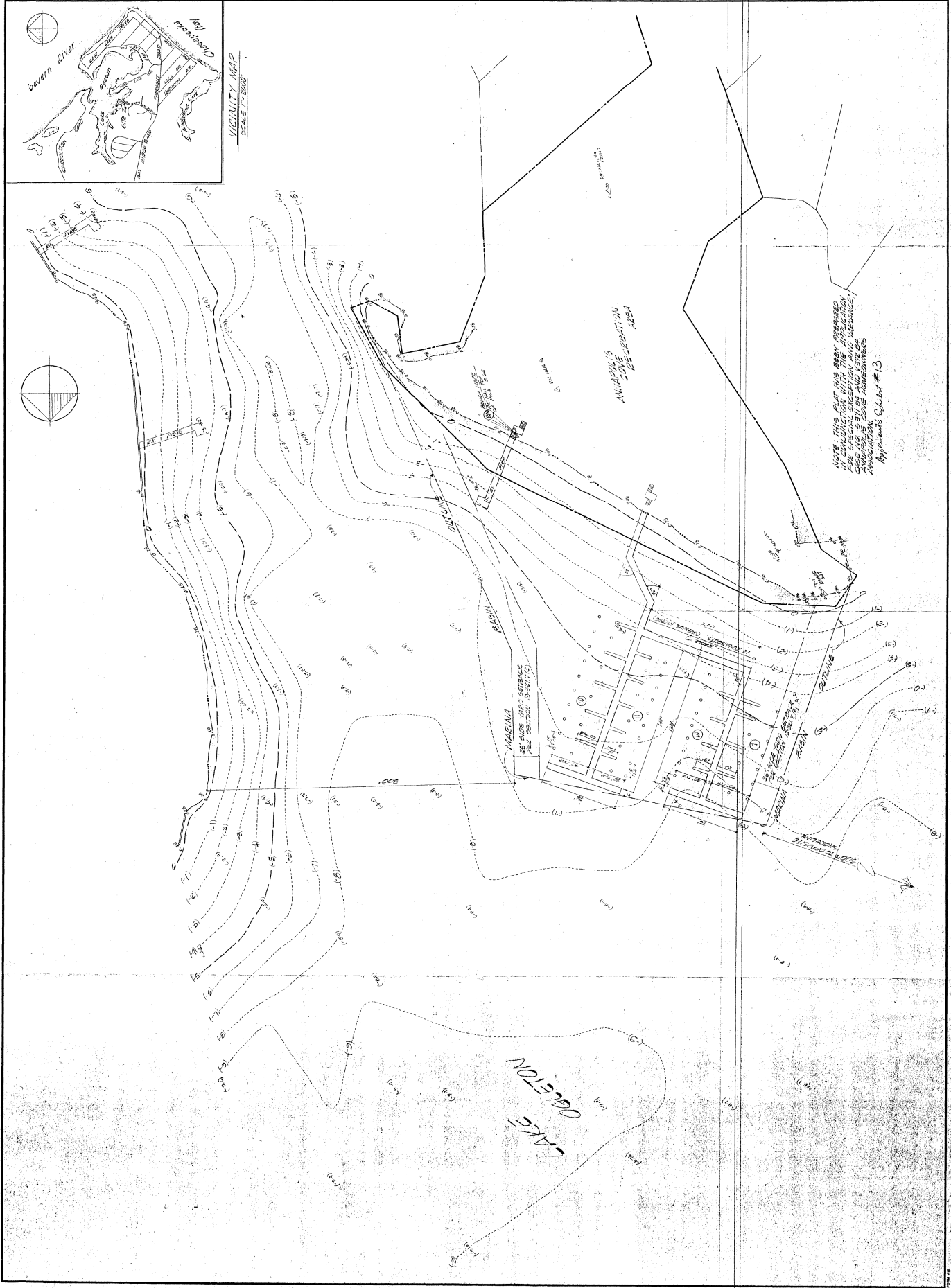
2/14/91
Date

2ND DISTRICT ANNE ARUNDEL CO. MD.
ANAPOLIS COVE
CATPINA LANE & LAKE COLETON
ANAPOLIS COVE HOMEOWNERS ASSOCIATION
REVIEWED SITE PLAN

DATE	10/23/99
SCALE	1"=40'
DRAWN BY	10/23/99
CHECKED BY	10/23/99
APPROVED	
REVISION	

ENGINEERS • PLANNERS • SURVEYORS
ANAPOLIS, MARYLAND
MCRONE

DATE	
DATE	
DATE	
DATE	



IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2020-0149-V

OGLETON PROPERTY OWNERS ASSOCIATION, INC.

SECOND ASSESSMENT DISTRICT

DATE HEARD: JANUARY 12, 2021

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **JOAN JENKINS**

DATE FILED: **JANUARY 21, 2021**

PLEADINGS

Ogleton Property Owners Association, Inc., the applicant, seeks a variance (2020-0149-V) to allow a community recreational facility¹ with less buffer than required on property with a street address of 3129A Catrina Lane, Annapolis, MD 21403.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification 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. Lewis Williams 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 January 12, 2021, in which the witnesses were sworn and the following was presented regarding the proposed variance requested by the applicants.

The Property

The applicants own the subject property which has 51 feet of frontage on the northeast side of Catrina Lane, 125 feet northwest of Chesapeake Harbour

¹ The proposed facility was initially described as a pickleball court but the evidence shows that the proposed improvement will provide a surface for many sports, such as basketball, picketball, and other uses that children make of paved surfaces on which they want to play.

Drive East, Annapolis. It is known as Tax Map 57 in Block 9 on Parcel 164 and is identified as Recreation Area in the Annapolis Cove Subdivision. The property comprises 3.03 acres and is split-zoned R2 - Residential District and OS - Open Space District. This waterfront lot on Ogleton Lake is designated in the Chesapeake Bay Critical Area as limited development area (LDA). The site is encumbered by the expanded buffer and steep slopes.

The Proposed Work

The proposal calls to remove the existing concrete recreation court and construct a multi-purpose court (56' by 32') in the same location as the existing smaller court as shown on the site plan admitted into evidence at the hearing as County Exhibit 2. The work would disturb 2,896² square feet of the expanded buffer, of which 967 square feet would be permanent disturbance and 1,929 square feet would be temporary disturbance.

The Anne Arundel County Code

§ 18-13-104 (a) requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands. § 18-13-104 (b)(1) provides for an expanded buffer where there are contiguous steep slopes of 15% or more and is to be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet from the top of the slopes. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the

² The site plan shows the limit of disturbance as 3,727 square feet.

requirements of Title 27 of the State Code of Maryland (COMAR) which prohibits new structures in the 100-foot buffer and expanded buffer except water dependent uses. Section 27.01.01 (B) (8) (ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance.

The Variance Requested

The proposed work will require a critical area variance of 2,896 square feet from the prohibition in § 17-8-301 against disturbing the expanded buffer to allow the applicant to construct the proposed multi-purpose court as shown on County Exhibit 2, with the actual disturbance to be determined at the time of permitting.

The Evidence Submitted At The Hearing

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

Joan A. Jenkins, a zoning analyst with OPZ, presented the following:

- OPZ finds that the subject property far exceeds the minimum lot area requirement for a lot not served by public sewer in an R2 district and exceeds the minimum width requirement for a lot in the R2 district. This irregularly shaped lot is encumbered by steep slopes and expanded buffer making it impossible to develop the lot without the need for variances.
- The existing critical area lot coverage is 16,699 square feet. The post-construction critical area lot coverage will total 17,666 square feet. The proposed lot coverage will be below the 19,798 square feet (15%) allowed.

- A review of the 2020 County aerial photograph shows a waterfront neighborhood of various sized lots. The recreation area is a peninsula lot with a playground and a concrete court, picnic areas, and access to the water including a neighborhood pier.
- The applicant's letter of explanation indicates that the proposed pickleball court is sited such that it will be overtop of the existing concrete court to minimize the additional lot coverage and buffer disturbance, and minimize canopy disturbance. The proposed court expansion is sited such that portions of the court are located outside the 100-foot buffer to tidal water, yet allowing space for future maintenance of the existing well. The letter continues saying that a large portion of the subject property is encumbered by the expanded buffer and most of the community's recreation facilities are located within the buffer. The letter concludes that redevelopment of these amenities is not possible without a variance.
- The Health Department commented that they have evaluated the well water supply system for the property and determined that the proposed request does not adversely affect this system. The Department has no objection to the request.
- The Development Division (Critical Area Team) commented that the Hearing Officer will need to make the determination that the request meets the test for approval of a variance application. Critical Area Team has no objection to the request provided the outcome results in no greater impact

than the existing improvements. If the application is approved, the applicant will be responsible for providing the required vegetative buffer on site and should remove an equal amount of existing lot coverage in order to offset the expansion and result in no net increase of coverage.

- The Critical Area Commission commented that a pickleball court cannot meet the standard of unwarranted hardship, as it is not necessary in order for the applicant to have reasonable and significant use of the property.
- For the granting of a critical area variance, a determination must be made as to whether because of certain unique physical conditions such as exceptional topographical conditions peculiar to and inherent in the property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this case, the lot is encumbered by steep slopes and the buffer is expanded covering the lot. The proposed pickleball court does not disturb steep slopes, however, development is impossible without disturbance to the expanded buffer.
- A literal interpretation of the County's Critical Area Program will not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County.
- The granting of the variance will confer on the applicant special privileges that would be denied by COMAR, Title 27.
- The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of

development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.

- With stormwater management the granting of the variance will not adversely affect water quality or impact fish, wildlife or plant habitat.
- The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has not evaluated and implemented site planning alternatives.
- The standard for granting a variance is whether strict compliance of the zoning ordinance regulations would result in “practical difficulty or unnecessary hardship”. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. Denial of the variance request would not cause hardship in the use of the lot as the lot is already being used with other community uses.
- Approval of the variance would not alter the essential character of the neighborhood as this lot is an existing community recreation lot. Approval of the variance will not substantially impair the appropriate use or development of adjacent property, as the proposal meets all setbacks and

will be located well away from the dwellings on the abutting lots. The variance will not reduce forest cover in the limited development area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

- While this lot is encumbered by steep slopes and the expanded buffer creating a hardship to further develop the land, a pickleball court is not necessary for use of the land. The additional lot coverage is unwarranted therefore, the variance request is not considered to be the minimum necessary to afford relief.
- Based upon the standards set forth under § 18-16-305 of the County Code by which a variance may be granted, OPZ recommends *denial*.

Other Testimony and Exhibits

The applicant was represented at the hearing by a number of members of the community and assisted by Michael Drum and Lisette Groen of Drum, Loyka & Associates, LLC, the applicant's engineers. Eighty-two different people took part in the hearing, one from as far away as Bahrain (Todd Hiller, 6,800 miles).³ Opinions were divided as to whether the proposed multi-purpose court was needed or would adversely affect the environment. For example, John Holman submitted extensive paperwork in support of his opposition to granting the requested variance (Protestant's Exhibit 1). Vince Ritts and Diane Boyd-Ritts transmitted

³ In a newly invented role, Lewis Williams was kind enough to serve as a moderator suggesting who the next speaker should be, which saved a great deal of time and confusion, and for which he is greatly thanked.

from the site contributing valuable visual information. Skip Kohler and others expressed concern that the application, if granted, would cause piecemeal erosion of the critical area by serving as a role-model for other communities wanting to expand amenities in the critical area.

Other witnesses pointed out that there were 209 homes in the community with 167 children under the age of 18. The residents and their children need the proposed court to help keep kids off the streets and away from delivery trucks. Supporters explained that the community was denied the recreation areas originally planned for their community and that upgrading the court would go far to remedy the shortfall. The chat log from the zoom meeting generated 6 pages of comments. Susan Emerson, the current president of the Association, testified as to how the project was discussed by the community over the past few years and a decision was reached to support it. Jocelyn Williams asked what the harm was in expanding the existing court the small amount that was being asked.

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

DECISION

State Requirements for Critical Area Variances

§ 8-1808(d)(2) of the Natural Resources Article, Annotated Code of Maryland, provides in subsection (ii), that “[i]n considering an application for a variance [to the critical area requirements], a local jurisdiction shall presume that the specific development in the critical area that is subject to the application and

for which a variance is required does not conform to the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the jurisdiction's program." (Emphasis added.) "Given these provisions of the State criteria for the grant of a variance, the burden on the applicant is very high." *Becker v. Anne Arundel County*, 174 Md. App. 114, 124; 920 A.2d 1118, 1124 (2007).

In *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 131; 920 A.2d at 1128, the Court of Special Appeals discussed the history of the critical area law in reviewing a decision from this County. The court's discussion of the recent amendments to the critical area law in 2002 and 2004, and the elements that must be satisfied in order for an applicant to be granted a variance to the critical area, is worth quoting at length:

In 2002, the General Assembly amended the [critical area] law. ... The amendments to subsection (d) provided that, (1) in order to grant a variance, the Board had to find that the applicant had satisfied each one of the variance provisions, and (2) in order to grant a variance, the Board had to find that, without a variance, the applicant would be deprived of a use permitted to others in accordance with the provisions in the critical area program. ... The preambles to the bills expressly stated that it was the intent of the General Assembly to overrule recent decisions of the Court of Appeals, in which the Court had ruled that, (1) when determining if the denial of a variance would deny an applicant rights commonly enjoyed by others in the critical area, a board may compare it to uses or development that predated the critical area program; (2) an

applicant for a variance may generally satisfy variance standards rather than satisfy all standards; and, (3) a board could grant a variance if the critical area program would deny development on a specific portion of the applicant's property rather than considering the parcel as a whole.

...

In 2003, the Court of Appeals decided *Lewis v. Dept. of Natural Res.*, 377 Md. 382, 833 A.2d 563 (2003). *Lewis* was decided under the law as it existed prior to the 2002 amendments (citation omitted), and held, *inter alia*, that (1) with respect to variances in buffer areas, the correct standard was not whether the property owner retained reasonable and significant use of the property outside of the buffer, but whether he or she was being denied reasonable use within the buffer, and (2) that the unwarranted hardship factor was the determinative consideration and the other factors merely provided the board with guidance. *Id.* at 419-23, 833 A.2d 563.

Notwithstanding the fact that the Court of Appeals expressly stated that *Lewis* was decided under the law as it existed prior to the 2002 amendments, in 2004 Laws of Maryland, chapter 526, the General Assembly again amended State law by enacting the substance of Senate Bill 694 and House Bill 1009. The General Assembly expressly stated that its intent in amending the law was to overrule *Lewis* and reestablish the understanding of unwarranted hardship that existed before being “weakened by the Court of Appeals.” In the preambles, the General Assembly recited the history of the 2002 amendments and the *Lewis* decision. The amendment changed the definition of unwarranted hardship [found in § 8-1808(d)(2)(i)] to mean that, “without a variance, an applicant would be denied

reasonable and significant use of the entire parcel or lot for which the variance is requested.” (Emphasis added.)

The question of whether the applicant is entitled to the variance requested begins, therefore, with the understanding that, in addition to the other specific factors that must be considered, the applicant must overcome the presumption, “that the specific development in the critical area that is subject to the application ... does not conform to the general purpose and intent of [the critical area law].”⁴ Furthermore, the applicant carries the burden of convincing the Hearing Officer “that the applicant has satisfied each one of the variance provisions.”⁵ (Emphasis added.) “*Anne Arundel County’s local critical area variance program contains ... separate criteria. ...Each of these individual criteria must be met.*” *Becker v. Anne Arundel County, supra*, 174 Md. App. at 124; 920 A.2d at 1124. (Emphasis in original.) In other words, if the applicant fails to meet just *one* of these criteria, the variance is *required* to be denied.

In *Assateague Coastal Trust, Inc. v. Roy T. Schwalbach, et al.*, 448 Md. 112 (2016), the Court of Appeals considered an appeal claiming that a variance granted by the Worcester County Board of Appeals to allow a property owner to extend a pier across state-owned marshland from his property should not have been

⁴ § 8-1808(d) (2) (ii) of the Natural Resources Article. References to State law do not imply that the provisions of the County Code are being ignored or are not being enforced. If any difference exists between County law and State law, or if some State criteria were omitted from County law, State law would prevail. See, discussion on this subject in *Becker v. Anne Arundel County, supra*, 174 Md. App. at 135; 920 A.2d at 1131.

⁵ § 8-1808(d) (4) (ii).

granted. The pier would be 80 feet longer than allowed by the Worcester County ordinance. The variance was granted. The Court of Appeals visited the history of the critical area law and efforts by the Legislature to amend and clarify the law. The Court grappled with the phrase “unwarranted hardship,” and asked if “an applicant [must] demonstrate a denial of *all* reasonable and significant use of the entire property, or must the applicant show a denial of *a* reasonable and significant use of the entire property?” (At page 14.) The Court concluded, on page 28, that:

In summary, in order to establish an unwarranted hardship, the applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance. (Emphasis added.)

County Requirements for Critical Area Variances

§ 18-16-305(b) sets forth six separate requirements (in this case) that must be met for a variance to be issued for property in the critical area. They are (1) whether a denial of the requested variance would constitute an unwarranted hardship, (2) whether a denial of the requested variance would deprive the applicants of rights commonly enjoyed by other property owners, (3) whether granting the variance would confer a special privilege on the applicants, (4) whether the application arises from actions of the applicants, or from conditions or use on neighboring properties, (5) whether granting the application would not adversely affect the environment and be in harmony with the critical area program,

and (6) whether the applicants have overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Provided that the applicants meet the above requirements, a variance may not be granted unless six additional factors are found: (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) the variance will not substantially impair the appropriate use or development of adjacent property; (4) the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; (5) the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area; or (6) the variance will not be detrimental to the public welfare.

Findings - Critical Area Variance

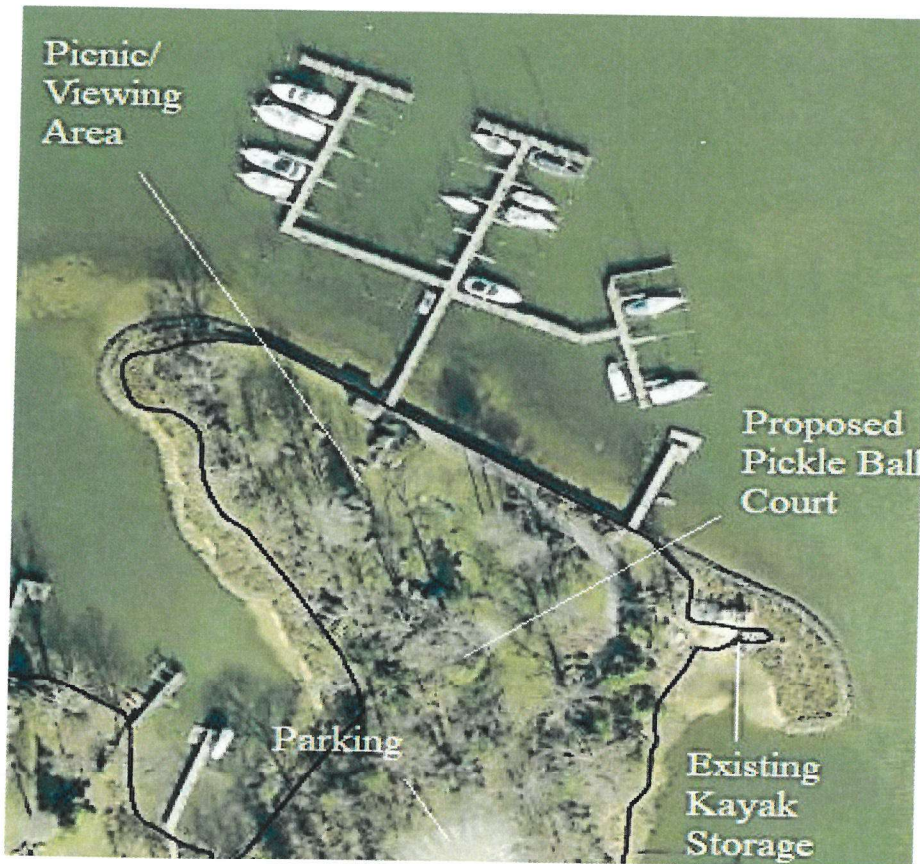
Background

The subject property is a designated recreational area in the Annapolis Cove subdivision consisting of 3.03 acres. The recreation area was created in 1981 by Plat 4305-4306 in Plat Book 82, pp. 30-3. The following Geocortex aerial photograph shows the property and the surrounding area.⁶



The following close-up aerial photograph shows the location of the proposed multi-use court.

⁶ A conservation easement was added in 1985 and confirmed in 1986 but addressed only conserving "existing slopes and limitation on removal from or additions of soil" to the property. This private easement cannot be enforced by government action in any case but the current application does not appear to affect the easement, at least at this point.



The subject property is currently used for docking vessels in Lake Ogleton, picnicking, the storage of kayaks and small watercraft, a playground, a paved area used for basketball and other sports, and parking.

The Critical Area Variance

The factors that the applicant must satisfy to be granted critical area variances to disturb the critical area buffer on this property are set forth in detail above. There are many reasons the requested variance could be denied (minimum relief, for example,) but I find that the applicant has failed to satisfy the unwarranted hardship test in addition to other elements set forth in § 18-16-305(b).

Subsection (b)(1) - Unwarranted Hardship.

As explained in the *Assateague Coastal Trust* case discussed above, an unwarranted hardship is something that would deny a property owner a use of his or her property “that is both significant and reasonable” and “which cannot be accomplished elsewhere on the property without a variance.” The applicant already has “significant and reasonable” use of their property. The question in this application is whether the *expansion* of the existing lot coverage to allow the construction of a multi-use court should be allowed.

The critical area is supposed to protect the Bay. Lot coverage and development is not allowed in the critical area unless something related to the use of the water is involved. For example, a walkway to a pier is allowed, as are water dependent improvements, such as a pier. Inground pools are not allowed because they are not water dependent, i.e., needed to provide access to the water.

When people buy property in the critical area, they gain and they lose. What they gain is water access or a view of the water. What they lose is the ability to do many things permitted outside the critical area, such as recreational amenities like multi-purpose courts. If the community developers have failed to provide the residents with adequate recreational areas for their children, the critical area is not a land bank from which undeveloped land can be donated to the community to remedy the shortfall. Not having a large enough multi-purpose court is not a “significant and reasonable” use of critical area land to justify granting the

requested variance, no matter how small the expansion of the existing court would be.

There is another reason to deny the request. The applicant's desire to improve the existing court by expanding it is not a condition created by the property but the desire to upgrade it. Such action does not rise to the level of a hardship that warrants a variance from the critical area law, as the courts have recognized:

“It generally is not a hardship to be without a desired convenience or amenity on one's property, because zoning restrictions are to be enforced in the absence of a ‘substantial and urgent’ need for a variance. *See, Belvoir Farms Homeowners Ass’n*, 355 Md. at 261, 734 A.2d 227. When a variance would be required to build within the critical area buffer, for example, the fact that a particular improvement would enhance the owner's enjoyment of the property did not establish that it would be a hardship to continue using the property without the variance. *See, e.g., Citrano v. North*, 123 Md. App. 234, 717 A.2d 960 (1998) (fact that proposed deck created “pleasant amenity” did not create hardship); *North v. St. Mary's County*, 99 Md. App. 502, 519, 638 A.2d 1175 (owner's desire to build gazebo to read and view creek is not evidence of hardship), *cert. denied sub nom. Enoch v. North*, 336 Md. 224, 647 A.2d 444 (1994). *Chesley v. City of Annapolis*, 176 Md. App. 413, 435, 993 A.2d 475, 488-489 (2007). (Emphasis added.)

Chesley is instructive. In that case, the Court of Special Appeals found that the request for a variance to allow a garage in a residential district that was closer

to the front lot line than permitted was properly denied by the local zoning agency considering the request:

We conclude, therefore, that the Board drew an appropriate distinction between hardship and “mere inconvenience.” Whether this particular variance is necessary to avoid hardship is a question of fact for the Board. [Citation omitted.] We find substantial evidence in the administrative record to support the Board’s determination that the denial of a 27 ft. front yard setback variance would not be a “particular hardship” on the [applicants], given their undisputed current use of their front yard for loading and the evidence supporting the Board’s conclusion that the garage would be a “mere convenience.” *Chesley v. City of Annapolis, supra.*

Allowing waterfront property owners to expand an existing multi-purpose court for reasons unrelated to protecting the Bay would be simply allowing them to expand a use they already have, as in the *Chesley* case. It would also create a domino effect. Other property owners would step forward to expand the structures on their property. This would end up paving the shoreline since every property owner throughout the Chesapeake Bay, at one point or another, will want to do the same. Therefore, I find that the applicant has **not met** the requirements of subsection (b)(1).

Subsection (b)(2) - Deprive Applicant of Rights

I find that the applicant would not be deprived of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the Critical Area Program, i.e., the right to expand an existing grandfathered use

that is not water dependent. Therefore, I find that the applicant has **not met** the requirements of subsection (b)(2).

Subsection (b)(3) - Special Privilege

I further find that the granting of the requested critical area variance would confer on the applicant a special privilege that would be denied by COMAR, 27.01, the County's Critical Area Program, to other lands or structures within the County's critical area. Therefore, I find that the applicant has **not met** the requirements of subsection (b)(3).

Subsection (b)(4) - Actions By Applicant Or Neighboring Property

I find that the requested critical area variance is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property. Therefore, I find that the applicant has **met** the requirements of subsection (b)(4).

Subsection (b)(5) - Water Quality, Intent of Critical Area Program

The granting of the requested critical area variance may adversely affect water quality or adversely impact fish, wildlife or plant habitat within the County's critical area or a bog protection area. It will also not be in harmony with

the general spirit and intent of the County's Critical Area Program. Therefore, I find that the applicant has **not met** the requirements of subsection (b)(5).⁷

Subsection (b)(7) - § 8-1808(d)(2)(ii) Presumption

In *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 133; 920 A.2d at 1129, the Court of Special Appeals discussed the presumption found in § 8-1808(d)(2)(ii) of the Natural Resources Article: "The amendment also created a presumption that the use for which the variance was being requested was not in conformity with the purpose and intent of the Critical Area Program."

I find that the applicant has not overcome the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State law (which is incorporated into § 18-16-305 subsection (b)(7)) for the reasons set forth above. Therefore, I find that the applicant has **not met** the requirements of subsection (b)(7).⁸

Having failed to satisfy one or more of the requirements of § 18-16-305(b), the application must be denied.

ORDER

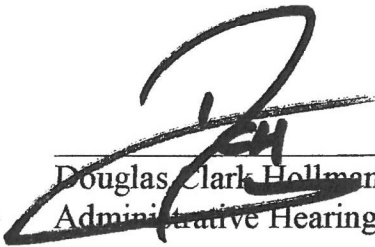
PURSUANT to the application of Ogleton Property Owners Association, petitioning for a variance to allow a community recreational facility with less buffer than required on property with a street address of 3129A Catrina Lane, Annapolis;

⁷ Subsection (b)(6) relates to bogs which are not a factor in this decision.

⁸ Subsection (b)(8) relates to § 18-16-201 which sets out requirements for a pre-filing plan and administrative site plan, and other things not relevant here.

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **21st day of January, 2021**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the application is **denied**.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANTS

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

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

CO. EXHIBIT#:)
CASE: 2020-0149-V
DATE: 1/12/21

APPLICANT: Ogleton Property Owners Association

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2020-0149-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: January 12, 2021

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting a variance to allow a community recreational facility (pickleball court) with less buffer than required on property located at 3129A Catrina Lane in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 51 feet of road frontage on the northeast side of Catrina Lane, 125 feet northwest of Chesapeake Harbour Drive East. The site has an area of 3.03 acres of land, is identified as Recreation Area in the Annapolis Cove Subdivision on Tax Map 57 in Block 9 on Parcel 164 and is split-zoned R2 - Residential District and OS - Open Space District. The current zoning of the site was adopted by the comprehensive zoning for the Sixth Council District, effective October 7, 2011.

This waterfront lot on Ogleton Lake is located in the Chesapeake Bay Critical Area designated as LDA – Limited Development Area. The non-BMA site is encumbered by the expanded buffer and steep slopes.

The property is currently improved with community facilities; a playground, a shed, a picnic area, a concrete court, and parking.

APPLICANT'S PROPOSAL

The applicant is proposing to remove the existing concrete recreation court and construct a paved sports/pickleball court (56 feet by 32 feet) in the same location but expanded to meet the minimum pickleball court regulation size.

REQUESTED VARIANCES

§ 18-13-104 (a) of the Anne Arundel County Zoning Ordinance requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands. § 18-13-104 (b)(1) provides for an expanded buffer where there are contiguous steep slopes of 15% or more and is to be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet from the top of the slopes. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR) which prohibits new

structures in the 100-foot buffer and expanded buffer except water dependent uses. Section 27.01.01 (B) (8) (ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The applicants are proposing to remove the existing concrete recreation court and replace it with an expanded concrete sport/pickleball court within the expanded buffer. A variance is requested to allow 2,896¹ square feet of total disturbance to the expanded buffer; 967 square feet of permanent buffer disturbance and 1,929 square feet of temporary disturbance. Exact disturbance calculations to be determined at permitting.

FINDINGS

This Office finds that the subject property far exceeds the minimum lot area requirement for a lot not served by public sewer in an R2 District and exceeds the minimum width requirement for a lot in the R2 District. This irregularly shaped lot is encumbered by steep slopes and expanded buffer making it impossible to develop the lot without the need for variances.

The existing critical area lot coverage is 16,699 square feet. The post-construction critical area lot coverage will total 17,666 square feet. The proposed lot coverage will be below the 19,798 square feet (15%) allowed.

A review of the 2020 County aerial photograph shows a waterfront neighborhood of various sized lots. The recreation area is a peninsula lot with a playground and a concrete court, picnic areas, and access to the water including a neighborhood pier.

The applicant’s letter of explanation indicates that the proposed pickleball court is sited such that it will be overtop of the existing concrete court to minimize the additional lot coverage and buffer disturbance, and minimize canopy disturbance. The proposed court expansion is sited such that portions of the court are located outside the 100-foot buffer to tidal water, yet allowing space for future maintenance of the existing well. The letter continues saying that a large portion of the subject property is encumbered by the expanded buffer and most of the community’s recreation facilities are located within the buffer. The letter concludes that redevelopment of these amenities is not possible without a variance.

The **Health Department** commented that they have evaluated the well water supply system for the property and determined that the proposed request does not adversely affect this system. The Department has no objection to the request.

The **Development Division (Critical Area Team)** commented that the Hearing Officer will need to make the determination that the request meets the test for approval of a variance application. This Office has no objection to the request provided the outcome results in no greater impact than the existing improvements. If the application is approved, the applicant will be responsible for providing the required vegetative buffer on site and should remove an equal amount of existing lot coverage in order to offset the expansion and result in no net increase of coverage.

The **State Critical Area Commission** commented that a pickleball court cannot meet the standard of unwarranted hardship, as it is not necessary in order for the applicant to have reasonable and

¹ The site plan shows the limit of disturbance as 3,727 sq ft

significant use of the property.

For the granting of a critical area variance, a determination must be made as to whether because of certain unique physical conditions such as exceptional topographical conditions peculiar to and inherent in the property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this case, the lot is encumbered by steep slopes and the buffer is expanded covering the lot. The proposed pickleball court does not disturb steep slopes, however, development is impossible without disturbance to the expanded buffer.

A literal interpretation of the County's critical area program will not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County.

The granting of the variances will confer on the applicants special privileges that would be denied by COMAR, Title 27.

The variance requests are not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.

With stormwater management the granting of the variances will not adversely affect water quality or impact fish, wildlife or plant habitat.

The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has not evaluated and implemented site planning alternatives.

The standard for granting a variance is whether strict compliance of the zoning ordinance regulations would result in "practical difficulty or unnecessary hardship". Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. Denial of the variance request would not cause hardship in the use of the lot as the lot is already being used with other community uses.

Approval of the variances would not alter the essential character of the neighborhood as this lot is an existing community recreation lot. Approval of the variances will not substantially impair the appropriate use or development of adjacent property, as the proposal meets all setbacks and will be located well away from the dwellings on the abutting lots. The variance will not reduce forest cover in the limited development area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

While this lot is encumbered by steep slopes and the expanded buffer creating a hardship to further develop the land, a pickleball court is not necessary for use of the land. The additional lot coverage is unwarranted therefore, the variance request is not considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth under § 18-16-305 of the County Code by which a variance may be granted, this Office recommends **denial** of a variance to §17-8-301 (b) to allow 2,896 square feet of disturbance to the expanded buffer.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

For Office Use Only

CASE # 2020-0149-V
 FEE PAID \$250.00
 DATE 10/23/2020



For Office Use Only

ZONE R2 OS
 CRITICAL AREA: IDA LDA X RCA
 BMA: Yes No X
 NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): Ogleton Property Owners Association, Inc.

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 3129A Catrina Lane, Annapolis, Maryland 21403

Property Location: +/-252 51 Lewis Williams
feet of frontage on the (NE) side of Catrina Lane
 (Enter Street Name)
+/-125 feet (NW) of (Nearest intersecting street) Chesapeake Harbour Drive East
 (Enter Street Name)

12-digit Tax Account Number 02-005-90033450 Tax District (2) Council District (6)

Waterfront Lot: Y ☒ N ☐ Corner Lot: Y ☐ N ☒ Deed Title Reference 3434: 153 (110.7)

Zoning District R-2 Lot # N/A Tax Map 057 Block/Grid 009 Parcel 0164

Area 3.03 (Acres) Subdivision Name Annapolis Cove

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)

Variance to 17-8-301(b) Development on properties containing buffers, proposed expansion of existing

paved recreational court to construct a sports/pickle ball court.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature] Owner's Signature [Signature]

Print Name Ogleton Property Owners Assoc., Inc Print Name Ogleton Property Owners Assoc., Inc.

Mailing Address 3129A Catrina Lane Mailing Address 3129A Catrina Lane

City, State, Zip Annapolis, MD 21402 City, State, Zip Annapolis, MD 21403

Work Phone Work Phone

Home Phone Home Phone

Cell Phone Cell Phone

Email Address lewisgw74@gmail.com Email Address lewisgw74@gmail.com

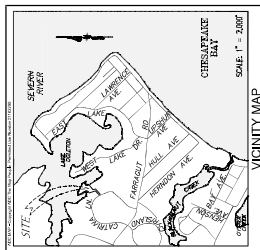
*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: SAA 10/23/2020

Initials

Date

Variance to allow a community recreational facility (pickleball court)
with less buffer than required.



LEGEND EXISTING CONTOUR EXISTING CANOPY EXISTING EXPOSED ENVIRONMENTAL BUFFER LIMITS OF DISTURBANCE W/ SUPER 30" FENCE EXISTING 100' TO TIDAL WATERS EXISTING TOP OF SURVEYED BANK EXISTING NON-TIDAL WETLANDS EXISTING TIDAL WETLANDS	<table> <tr> <td>131,884 S.F. (3.02 AC.)</td><td>131,884 S.F. (3.02 AC.)</td></tr> <tr> <td>131,884 S.F. (3.02 AC.)</td><td>10,699 S.F. (0.24 AC.)</td></tr> <tr> <td>10,699 S.F. (0.24 AC.)</td><td>19,768 S.F. (0.45 AC.)</td></tr> <tr> <td>19,768 S.F. (0.45 AC.)</td><td>77,666 S.F. (1.77 AC.)</td></tr> <tr> <td>77,666 S.F. (1.77 AC.)</td><td>3,272 S.F. (0.17 AC.)</td></tr> <tr> <td>LDA</td><td></td></tr> </table> <u>SITE TABULATIONS</u> • TOTAL SITE AREA • LDA SITE AREA • EXISTING LOT COVERAGE • ALLOWABLE LOT COVERAGE (15% of LDA area) • PROPOSED LOT COVERAGE (100%) • LIMITS OF DISTURBANCE • CRITICAL AREA DESIGNATION • ZONING: R2 Residential	131,884 S.F. (3.02 AC.)	131,884 S.F. (3.02 AC.)	131,884 S.F. (3.02 AC.)	10,699 S.F. (0.24 AC.)	10,699 S.F. (0.24 AC.)	19,768 S.F. (0.45 AC.)	19,768 S.F. (0.45 AC.)	77,666 S.F. (1.77 AC.)	77,666 S.F. (1.77 AC.)	3,272 S.F. (0.17 AC.)	LDA	
131,884 S.F. (3.02 AC.)	131,884 S.F. (3.02 AC.)												
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77,666 S.F. (1.77 AC.)	3,272 S.F. (0.17 AC.)												
LDA													

VARIANCE PLAN

ANNAPOLIS COVE-RECREATION AREA

3129A CATRINA LANE, ANNAPOLIS, MARYLAND 21403

TAX MAP 0057 GRID 0009 PARCEL 0164 DISTRICT 2nd

02-005-00033450

ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 30'

DATE: 10/14/20

PROJ. NO: AA16120

SHEET 1 OF 1

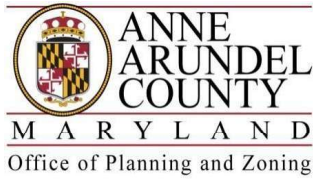
OGLETON PROPERTY OWNERS ASSOC., INC.
3129A CATRINA LANE
ANNAPOLIS, MARYLAND 21403

I, Professional Certification, hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License no. _____
 expiration date _____

Stumm, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-260-3122 • Fax: 410-260-1852
www.drumpfys.com engineering@drumpfys.com

[illegible]



2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

ADDRESS CONFIRMATION

Date: July 15, 2025

Owner: Ogleton Property Owners Association Inc.

Tax Accounts: **2005-9003-3450**

Property Description: TM 57, Grid 9, Parcel 164 (3.03 Acres)

Subdivision: Annapolis

Zip Code: 21403

This letter is to confirm that the above-referenced property was assigned the following address:

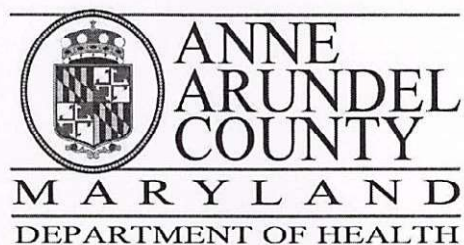
3129A Catrina Ln, Annapolis, MD 21403.

In addition, and in accordance with the provisions of Section 12-7-101, you are required to post on or about the property, numbers or letters designating the address assigned to the property. The numbers or letters shall be in plain block style at least 3 to 4 inches high, displayed on a contrasting background and posted so as to be unobstructed and clearly legible from the street named in the address of the property. Numbers or letters for multi-family structures or commercial properties shall be at least 6 inches high.

Sincerely,

Spencer Cloutier

Spencer Cloutier,
Planning Technician II
Office of Planning and Zoning
Research & GIS Section



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 *BC*
Bureau of Environmental Health

DATE: September 4, 2025

RE: Ogleton Property Owners Assoc., Inc.
3129 A. Catrina Lane
Annapolis, MD 21403

NUMBER: 2025-0138-V

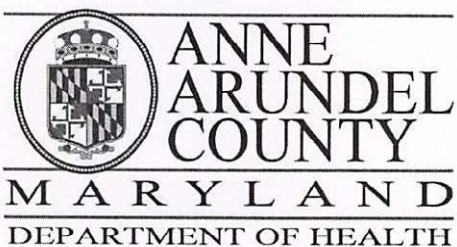
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect a greater number of slips than allowed with a community pier and to perfect a community pier and mooring pilings with less setbacks than required.

The Health Department has no objection to the above referenced variance request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



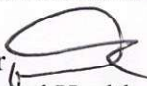
J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

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 

THROUGH: Don Curtian, Director 
Bureau of Environmental Health

DATE: September 4, 2025

RE: Ogleton Property Owners Assoc., Inc.
3129 A. Catrina Lane
Annapolis, MD 21403

NUMBER: 2025-0139-S

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to perfect the expansion of a community pier.

The Anne Arundel County Health Department has no objection to the above referenced special exception.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

2025-0138-V - see also 2025-0139-S

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

08/19/2025

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The Critical Area section of OPZ has reviewed the proposed scope of work under building permit B02438461 and has no objections to the requested variance(s).

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

09/09/2025

Assigned to Department

OPZ Critical Area

Status Date

09/04/2025

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

Reviewer Phone Number

410-222-6136

Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

Melanie Mathews

2025-0139-S - see also 2025-0138-V

Menu

Cancel

Help

Task Details OPZ Critical Area Team

Assigned Date

08/19/2025

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The Critical Area section of OPZ has reviewed the proposed scope of work under building permit B02438461 and has no objections to the requested Special Exception request.

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

09/09/2025

Assigned to Department

OPZ Critical Area

Status Date

09/04/2025

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

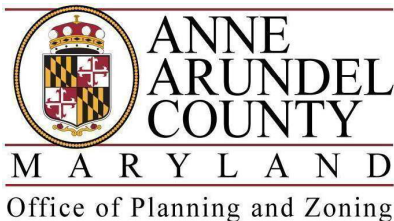
Melanie Mathews

Reviewer Phone Number

410-222-6136

Reviewer Email

PZMATH20@aacounty.org



Jenny B. Dempsey
Planning and Zoning Officer

MEMORANDUM

TO: Office of Planning and Zoning, Zoning Administration

FROM: Madeleine Lane, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments – Plan2040 and Region Plan Compliance

DATE: August 26, 2025

Name of Project: 3129 Catrina Lane, Annapolis Cove Marina
Special Exception Case#: 2025-0139-S
Location: Northeast of Catrina Lane, north of Ketch Court
Tax Map 57, Parcel 143
Region Planning Area: 7

Summary:

The applicant is seeking a special exception to replace the existing T-Pier and wave screen at the Ogleton Property Owner's Association community marina.

The site is currently zoned as R2 Residential and is designated as Peninsula on the Plan2040 Development Policy Area Map. The site has a land use designation of Residential Low Density on the Plan2040 Planned Land Use Map. Surrounding parcels are all zoned as R2 Residential, are designated for Peninsula on the Plan2040 Development Policy Area Map, and have a land use designation of Residential Low Density on the Plan2040 Planned Land Use Map. The site is within the County's Priority Funding Area. The site is located within the Critical Area; it is predominantly located in the Limited Development Area, with some Resource Conservation Area along the northern waterfront.

This proposal is within Region Planning Area 7. The Region Plan was adopted in 2024.

Findings:

Consistency with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the overall goals and policies of Plan2040.

Region 7 Plan: The Region 7 Plan does not have recommendations that are specific to this site, and the proposal is generally consistent with the overall goals and policies of the Region 7 Plan.

2022 Water and Sewer Master Plan: The site is in the Existing Sewer Service category in the Annapolis Sewer Service Area and the Future Water Service category in the Broadcreek 210 Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

"Recycled Paper"

www.aacounty.org

3129A Catrina Ln - 1990



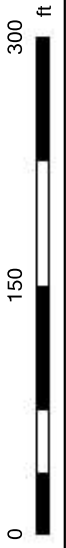
Legend

Foundation

Parcels - Annapolis City



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OpenStreetMap, Microsoft, Esri,
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GeoTechnologies, Inc, MET/NASA,

Notes

3129A Catrina Ln - 1995



Legend

Foundation

Addressing



Parcels

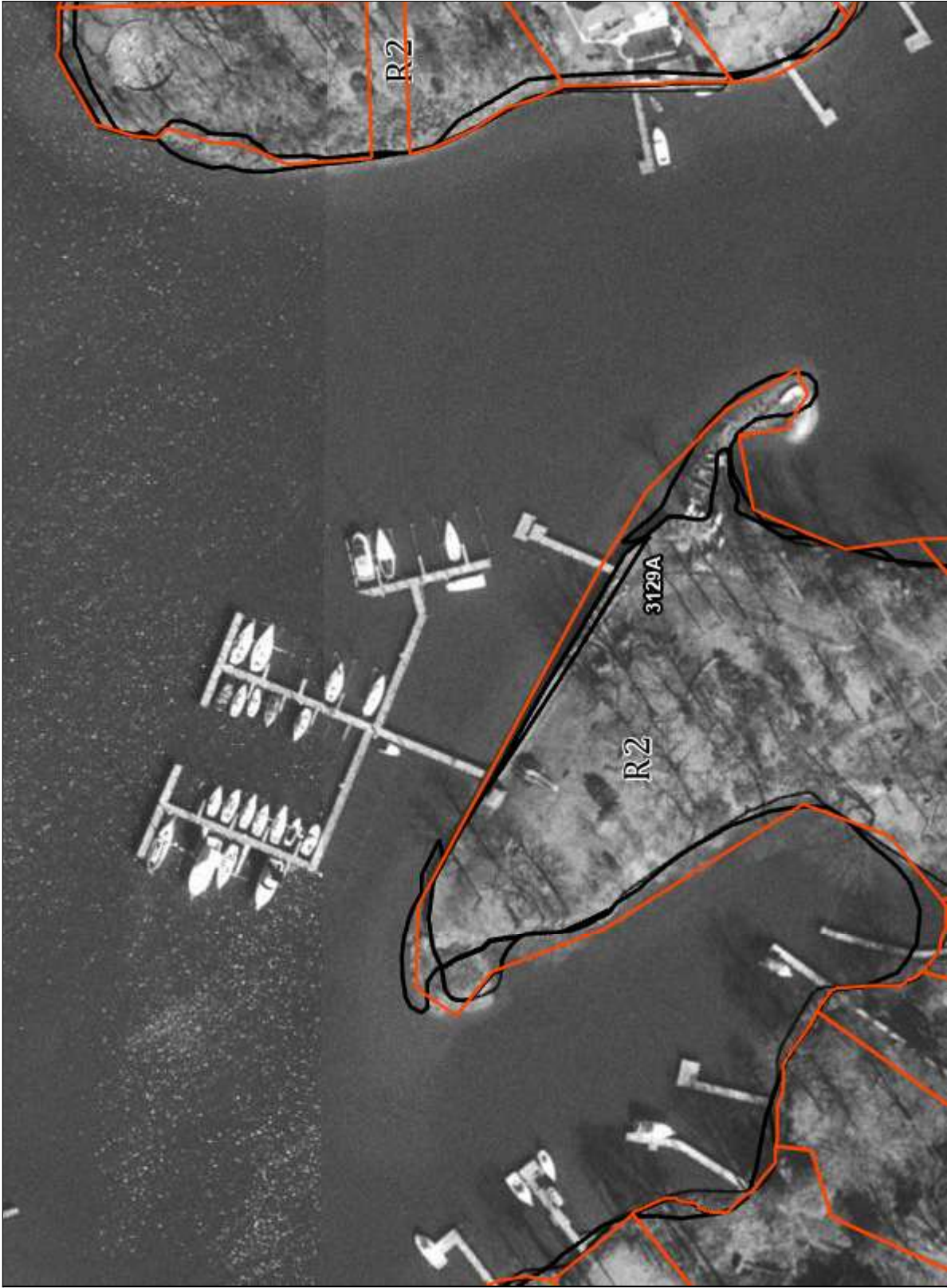


Parcels - Annapolis City



Planning

Zoning



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0 150 300 ft



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TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc. MET/NASA,

Notes

3129A Catrina Ln - current June 2025



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning



Zoning



Neamap

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0 150 300 ft



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Notes