

LA
Comment
4/1/69

MSA — 51829-71

AA 175-99 Frederick Betz
VAR 1999-0127-V

avoid an unnecessary hardship, and to enable the applicants to develop the lot. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

Upon review of the facts and circumstance, I find and conclude that the applicants are entitled to relief from the code. The limitation imposed by SAV on the dredging of the spur constitutes exceptional circumstances such that the variance is necessary to avoid an unnecessary hardship. I further find that the variance is the minimum necessary to afford relief. Mr. Betz testified without contradiction that he obtained state and federal approval for a 25-foot pier extension. Under the present proposal, there will still be 13 feet to the near edge of the channel. The pier will be in line with the piers on the neighboring properties. There is nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare. Rather, navigation will be unaffected and there will be a benefit to the SAV population.

ORDER

PURSUANT to the application of Frederick and Suzanne Betz, petitioning for a variance to permit a pier and pilings with greater length than allowed; and

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 9, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Frederick Betz
1999-0127-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit a pier and piling that will be a greater length than allowed. This office has no comment regarding this request. However, the Critical Area report submitted by the applicant includes information that submerged aquatic vegetation is near this shoreline. This area of SAV was not shown on the site plan. In any case, the size of the proposed "L" head should be minimized if it will shade any SAV beds in the area.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 175-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



CHESAPEAKE BAY CRITICAL AREA REPORT
Anne Arundel County, Maryland

Zoning Case Number: 1999-0127-J Applicant: Frederick E. and Suzanne L. Betz

Critical Area Classification: LDA/RCA/IDA; Tax Map 24 Block A Parcel 732

1. A Permit Application, (Permit # B02110115), was filed on 3/17/97 to remove an existing 10' x 5' L Head, and construct a 10' x 6' pier extension, with a 15' x 10' L Head, and install 2 mooring pilings. The Permit Application Center, by letter of 3/27/97, indicated that the proposed pier would extend beyond the maximum length permitted, and the length should not exceed 52', allowing an extension of only 4-foot.

A Variance is requested to allow the removal of an existing 10' x 4' L Head, construct a 10' x 6' pier extension, with a 10' x 10' L Head, and install 2 mooring pilings. . The purpose of the request was to accommodate the property owners' current 30' long boat, and permit a subsequent boat of approximately 40' to be moored against the pier.

Recently, a 50' wide, 5' MLW deep channel was dredged in Cattail Creek past the property. Spur channels were subsequently dredged adjacent to the property owners' existing pier, and to the main channel. But dredging adjacent to the pier was restricted by shallow water nearer the shore, and sub-aquatic vegetation. As such, the dredging of the spur channels adjacent to the pier proceeded approximately 22 feet shoreward from the head of the pier.

Knowing this situation to exist prior to the dredging, the property owner requested and received from the U. S. Army Corps of Engineers and the State of Maryland, Board of Public Works, Wetlands Administration, a License for pier extension, and L Head construction, totaling an additional 25' toward the channel, and emplacement of 2 mooring piles. This Variance request reduces the total extension to 20', including the L Head.

2. A VICINITY MAP is attached.

3. The predominant trees and shrubs are Oaks, Hollies, Dogwood, Yews, Pines, Azaleas, Rhododendron, with single examples of Tulip Poplar, Sour Gum or Tupelo, and Acuba, etc.

Rainwater from existing structures and a garage with mudroom under construction, flows from gutters through pipe to Cattail Creek, or is led to a concrete surface, where it flows to a collection basin, and through pipe to the creek. Rainwater from the driveway flows over concrete to the collection basin, as above.

Extension of the pier will require the removal of 2 piles, and the placement of pier support and mooring piles, with minimal impact water quality and habitat.

My estimate is that approximately 6200 sq. ft. of the property is wooded. None of which will be disturbed by the proposed pier. Lot size is approximately 13,160 sq.ft. Total impervious coverage will not be affected by the proposed pier.

The waterfront of the property has no known habitat protection areas, such as Buffers, expanded buffers, wetlands, rare and endangered species, anadromous fish propagation waters, colonial bird nesting sites, historic waterfowl staging and concentration areas, riparian forests 300 ft. or more in width, forested blocks 100 acres or more, natural heritage areas, or plant and wildlife habitats of local significance, other than being Chesapeake Bay Critical Area.

4. A plan of the property showing slopes, existing tree coverage, and approximate water depths is attached. No wetlands are shown, as the property is bulkheaded. Also, no new plantings or landscaping are shown, as none are removed.

5. One copy of the Notification of project Application is attached.

