

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

APPLICANT: John A. Haigh, Jr.

ASSESSMENT DISTRICT: 8th

CASE NUMBER: 2023-0110-V

COUNCIL DISTRICT: 7th

HEARING DATE: August 24, 2023

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow pilings (two) with less setbacks than required on property located at 700 Bay Front Avenue in North Beach.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 6,250 square feet of land and is located with 40 feet of frontage on the north side of Bay Front Avenue, 0 feet east of Spruce Avenue. It is identified as Lot 7 & Part of Lot 6 [the west 10 feet of Lot 6 per deed] of Parcel 8 in Block 21 on Tax Map 82 in the North Beach Park subdivision, a re-division of the Holland Point Addition to North Beach.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The site is a waterfront lot on the Chesapeake Bay that lies within the Chesapeake Bay Critical Area overlay, is designated as LDA – Limited Development Area, and is mapped as BMA - Buffer Modification Area. It is improved with a single-family detached dwelling and associated facilities, including a private residential pier with a small personal watercraft lift.

PROPOSAL

The applicant proposes to construct two pilings for the purpose of accommodating a 13 foot wide by 12 foot long boat lift on the west side of the existing pier.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance requires that a private pier or mooring piling shall be located at least 15 feet from a lot line extended. The two pilings would be located five feet from the west side lot line extended, necessitating a variance of ten feet.

FINDINGS

The subject property is both undersized and narrow for the district. More specifically, the 6,250 square foot lot size is smaller than the minimum 7,000 square foot area and the 40-foot width is narrower than the minimum 60-foot width required for new lots created in an R5 District. A review of the County 2023 aerial photograph shows that the majority of waterfront properties in

the immediate area contain piers, many of which also have associated pilings and/or boat lifts. The applicant's letter noted that numerous nearby residents have the benefit of boat lifts or boat slips and provided a list of six properties along Bay Front Avenue with similar improvements.

The **Development Division (Critical Area Team)** commented that the site plan provided for the variance agrees with the original site plan submitted for the pier under permit B02395788. The Team has no objection to the project proposed under this variance.

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

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. Typically, a lot with at least 50 feet of water frontage can accommodate a six foot wide pier, a platform, and boat lift or mooring pilings within the required 15 foot setbacks. The subject lot is only 40 feet wide; and, the eastern extended lot line converges inward in order to accommodate the neighboring pier to the east, further restricting the buildable water area on that side.

Approval of the variance would not alter the essential character of the neighborhood, as the proposed boat lift is typical in size and would be generally comparable to those of other nearby waterfront properties. The variance would not impair the appropriate use or development of adjacent properties. Due to the location of a 50-foot right-of-way to the immediate west, which does not contain a pier, the proposed boat lift on the western side of the subject pier would not impede navigation and would allow for ample room between the proposed boat lift and the closest pier to the west. The variance would not reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

Taking into account the practical limitations caused by the narrow lot, the converging eastern property line extension, the location of the existing and neighboring piers, and the overall neighborhood context, the request for relief is justifiable and is considered to be the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to § 18-2-404(b) of ten feet to the minimum 15-foot setback requirement to allow two boat lift pilings to be constructed five feet from the west side lot line extended, as shown on the site plan submitted by the applicant.

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.

Existing
Largest
1-40



Herring
Bay

Expanded
Property
Line

Expanded
Property
Line

Existing
Light



Utility
Line

Rock

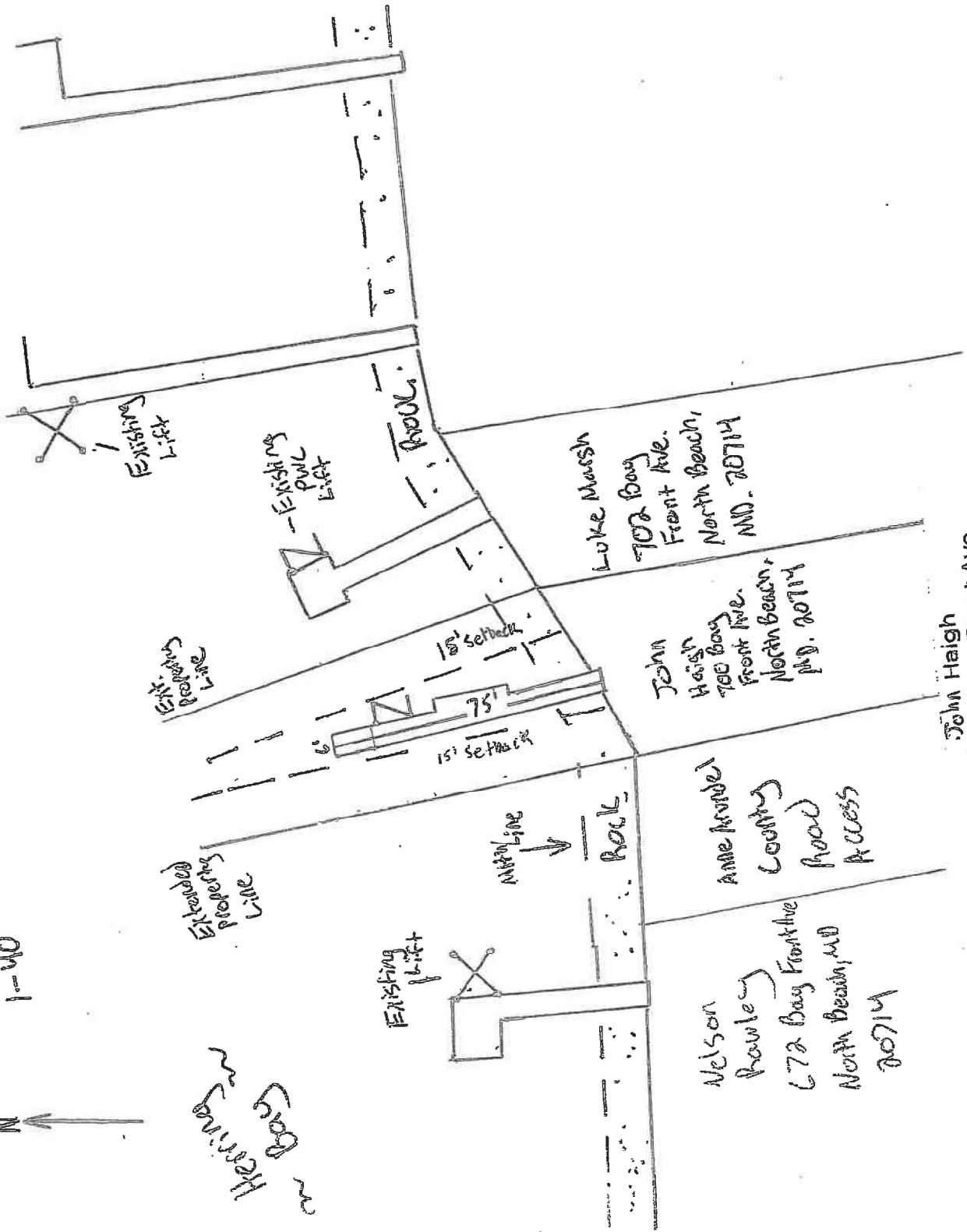
Nelson
Rowley
672 Bay Front Ave
North Beach, MD
20714

Amie Arnold
County
Road
Access

John
Haigh
700 Bay
Front Ave.
North Beach,
MD. 20714

Luke Marsh
702 Bay
Front Ave.
North Beach,
MD. 20714

John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714

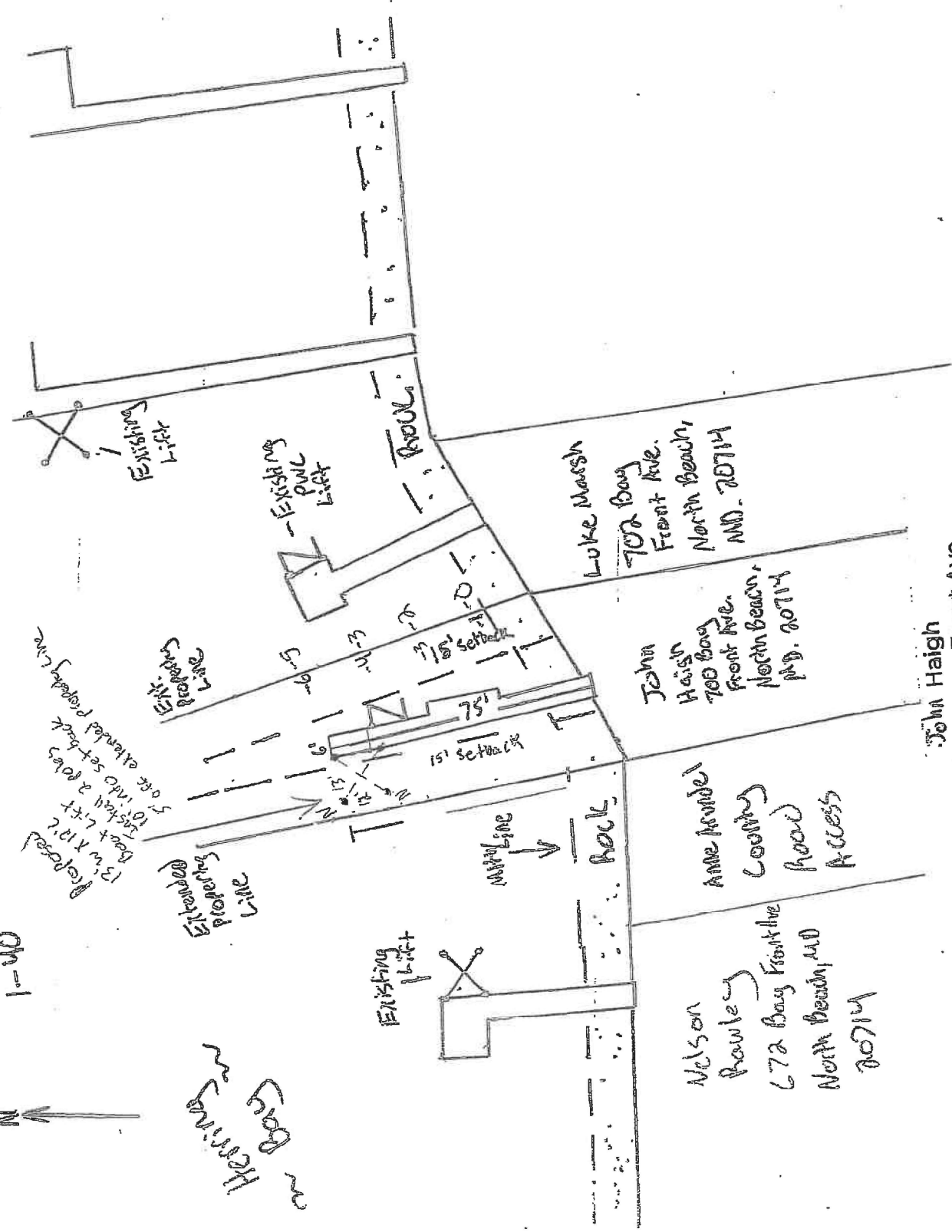


Photos
Laser
1-40



Herring
Bay

Proposed
13' x 12' 2"
Deck 4' x 4'
Set into set-back
5' or extended property line



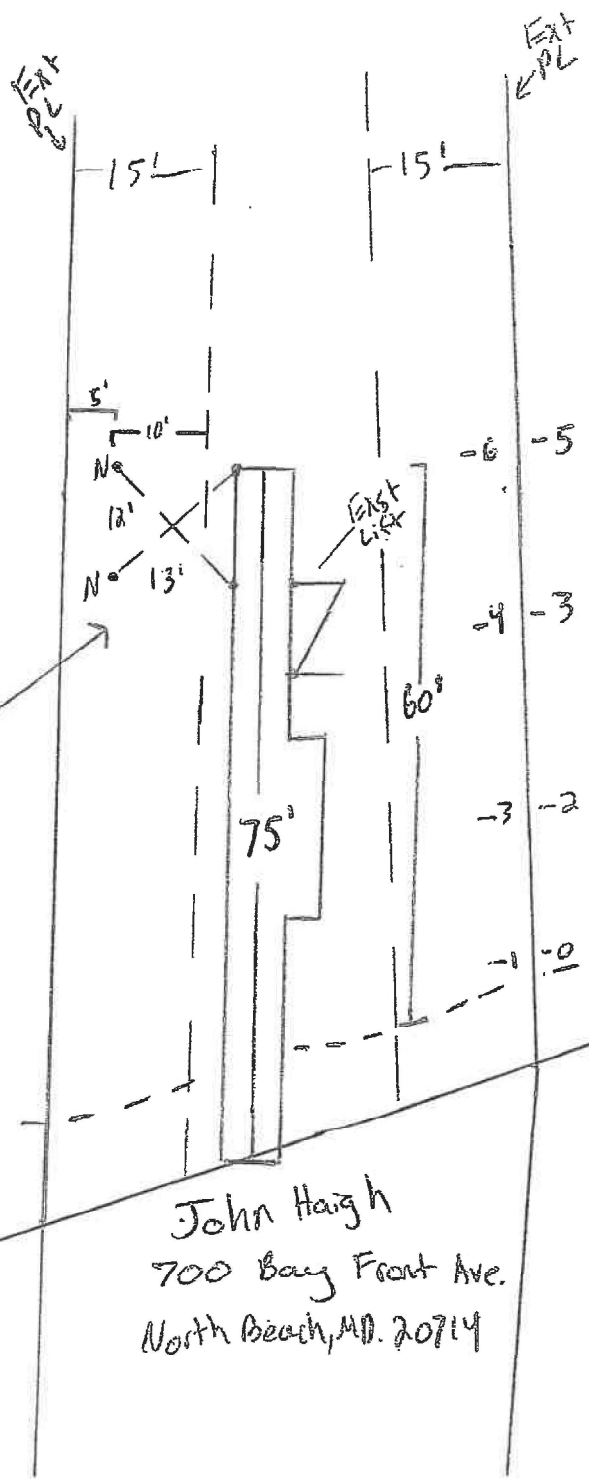
John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714

Nelson
Bowley
672 Bay Frontline
North Beach, MD
20714

Anne Hunderl
County
Road
Access

Luke Marsh
702 Bay
Front Ave.
North Beach,
MD. 20714

Herring Bay



John Haigh
700 Bay Front Ave.
North Beach, MD. 20714

Proposed
13'w x 12'l
Boat Lift
w/ associated
poles

Poles 10' into the
setback or 5' off
extended property
line

John Haigh
700 Bay Front Ave.
North Beach, MD. 20714

Proposed
Layout
* 1:20 Scale
John Haigh
700 Bay Front Ave.
North Beach, MD. 20714

Letter of Explanation
700 Bay Front Ave. North Beach, MD. 20714

John Haigh

Install 2 poles for a Boat Lift. We are requesting to install 2 poles for a 13'w x 12'l Boat Lift 10 feet into the setback and 5 feet off the extended property line. All work a max of 60 feet channel ward of the mean high-water line. This request does not change the landscape of the community of Holland Point as numerous residents have Boat Lifts or Boat Slips.

Neighboring Properties with a boat slip.

658 BAY FRONT AVE NORTH BEACH 20714

664 BAY FRONT AVE NORTH BEACH 20714

668 BAY FRONT AVE NORTH BEACH 20714

672 BAY FRONT AVE NORTH BEACH 20714

714 BAY FRONT AVE NORTH BEACH 20714

716 BAY FRONT AVE NORTH BEACH 20714

Please contact the number or email below with any questions or information.

Best,

Tim Glaser - 240-695-4930

tim@magnumlift.com

Boat Lifts Unlimited

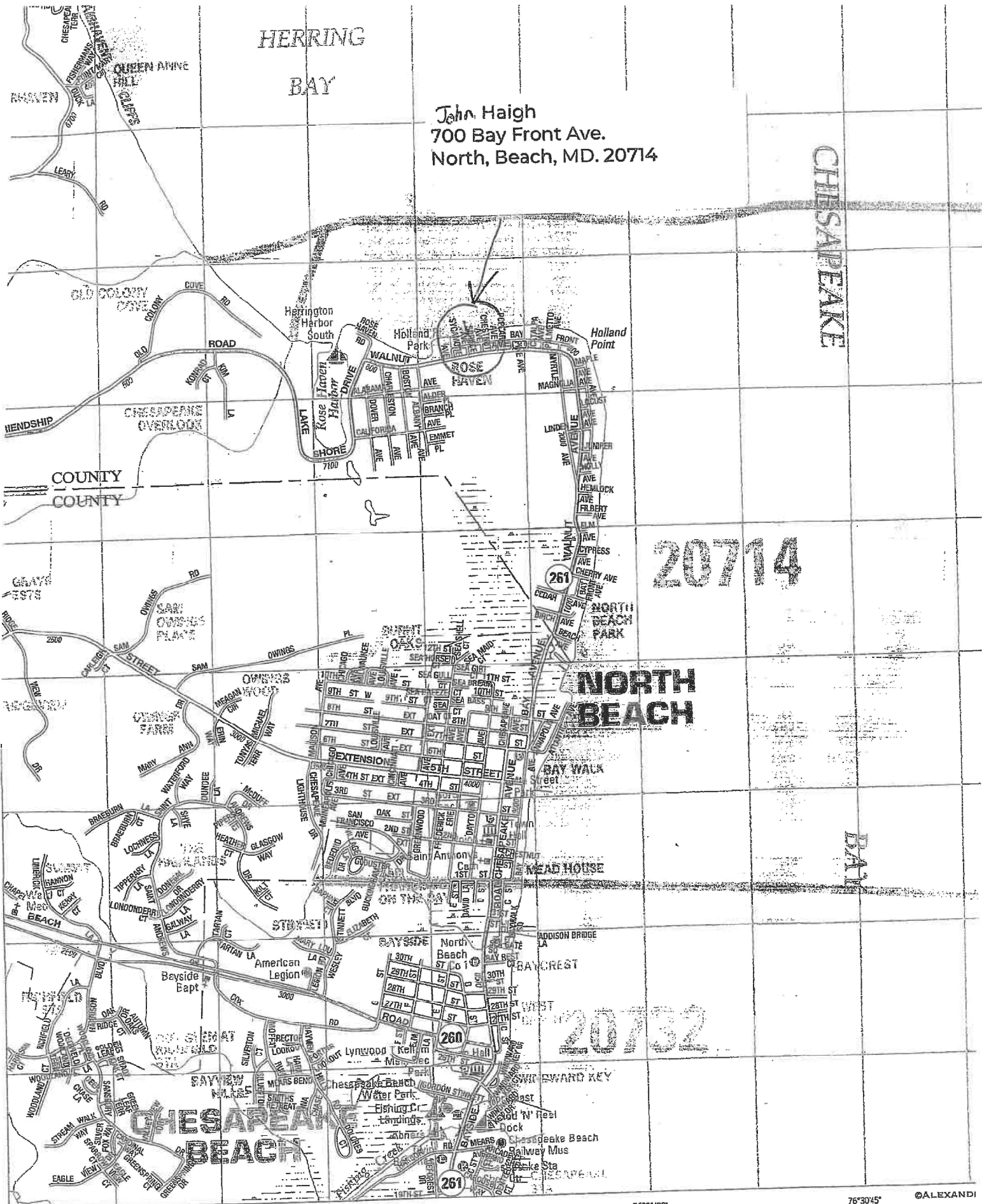
1901 Betson Ct. Odenton, MD. 21113

HERRING

BAY

John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714

CHESAPEAKE



20714

NORTH BEACH

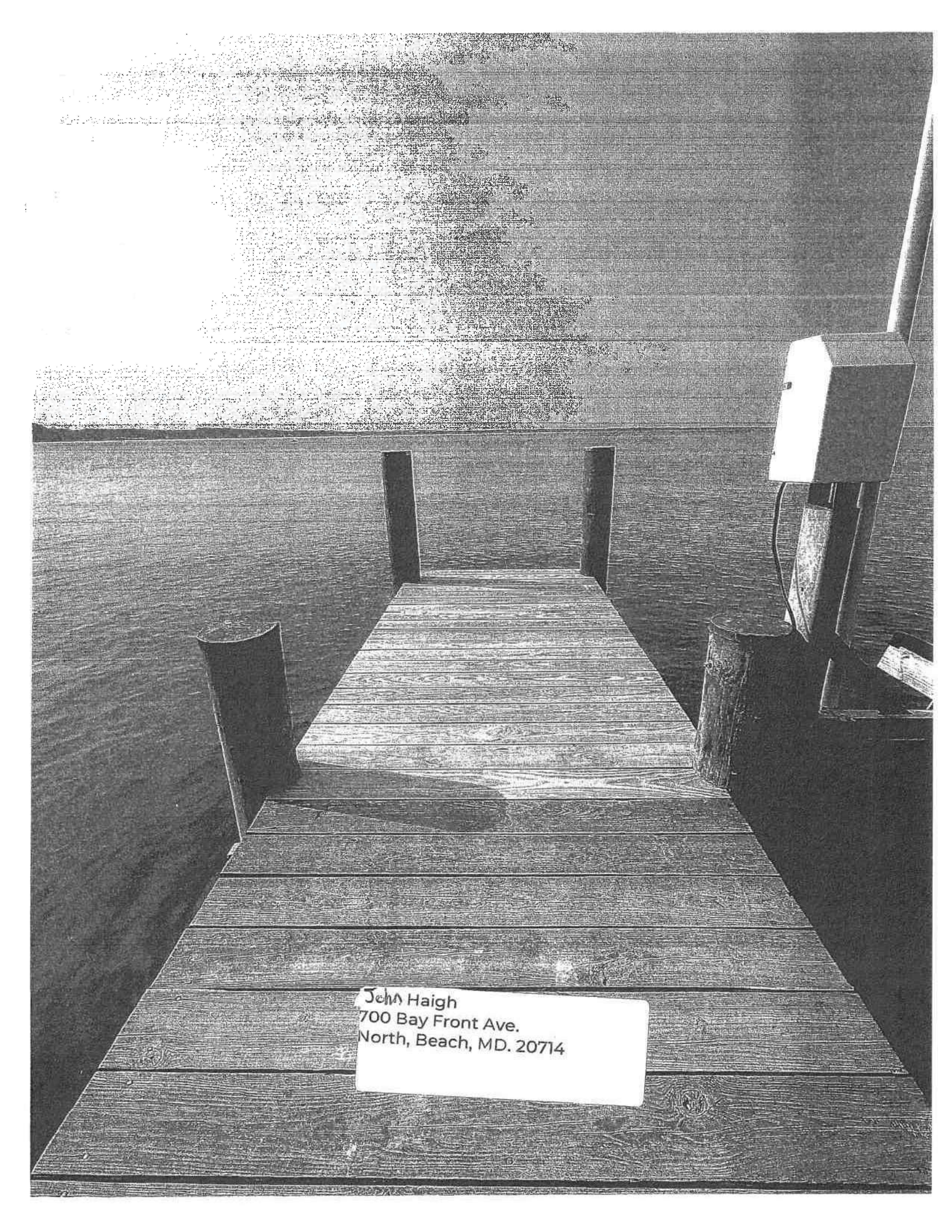
20732

76°33'45" 76°33'00" 76°32'15" 76°31'30" 76°30'45" To MD 263 ©ALEXANDRI

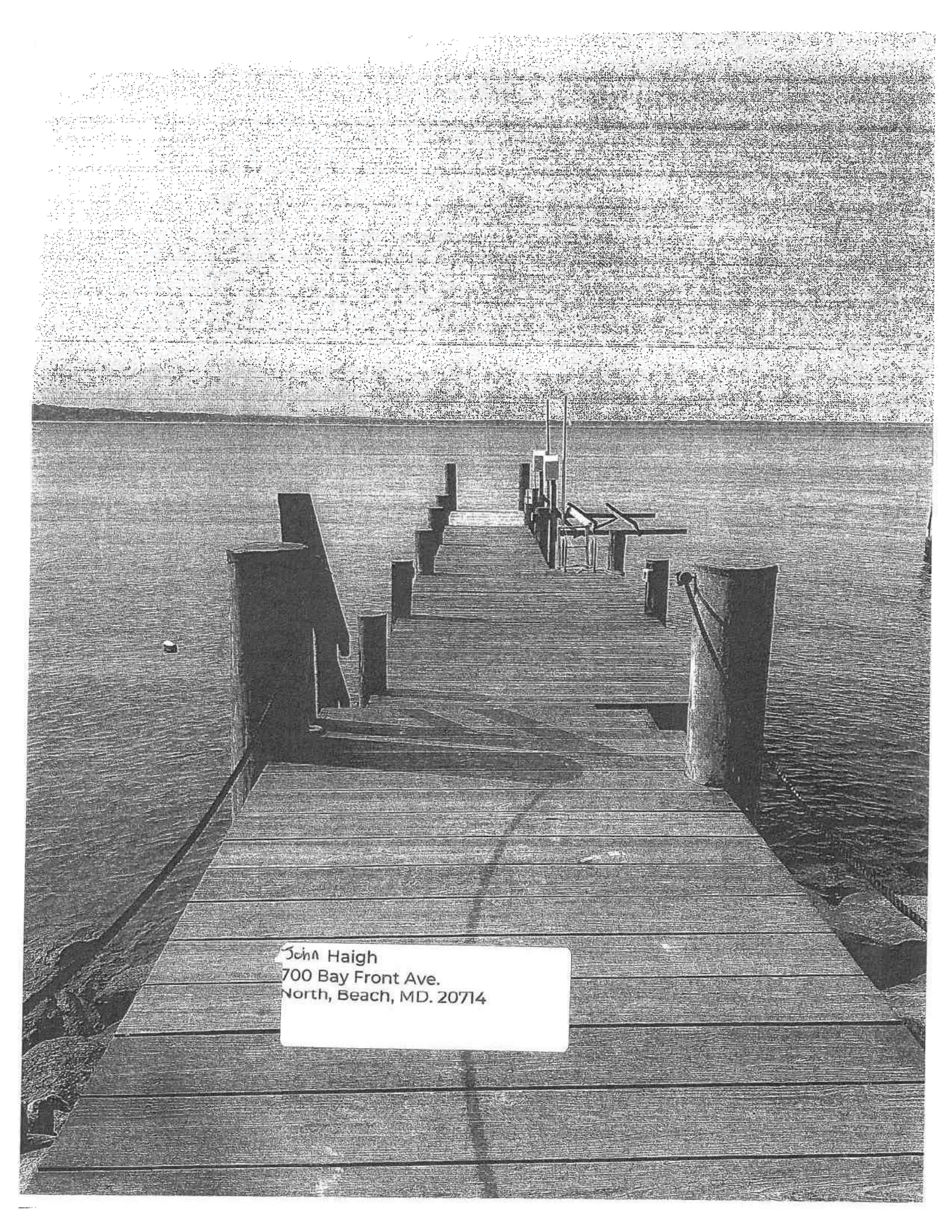
See ADC's "CALVERT COUNTY, MD STREET ATLAS" For Continuation

John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714





John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714

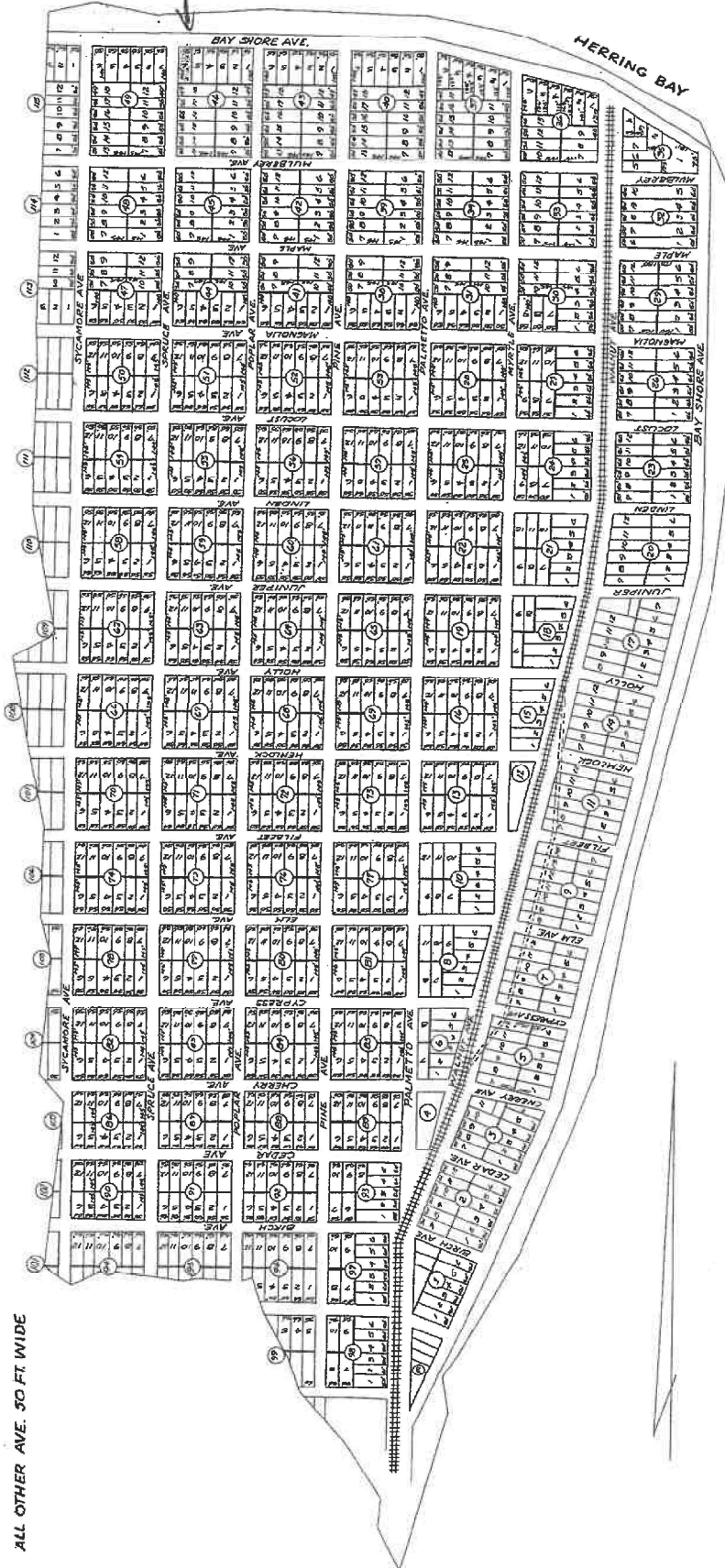


John Haigh
700 Bay Front Ave.
North, Beach, MD. 20714

C-10

700 Bay Front Ave

HERRING BAY



**HOLLAND POINT ADDITION
TO
NORTH BEACH, MD.**

SCALE 300 FT. = 1 IN.

ALL RIGHTS TO THE WATER FRONT RESERVED
 ——— INDICATE ALLEYS 10' WIDE

WALNUT AVE. 100 FT. WIDE

MAGNOLIA AVE. 60 FT. WIDE

ALL OTHER AVE. 50 FT. WIDE

AA CO CODE 1967 ED., SECTION 6-29
 STATE OF MARYLAND, DISTRICT OF ST. MARYS COUNTY, M.D.
 I HEREBY CERTIFY THAT THE PLAT ABOVE
 PAGE IS A TRUE AND ACCURATE COPY OF THE
 NORTH BEACH AND HOLLAND POINT ADDITION TO
 RECORDED IN PLAT BOOK OF WHICH IS
 IN TESTIMONY WHEREOF I HEREBY SET MY HAND
 AND PLACE MY SEAL THIS 4th DAY OF SEPT., A.D. 1963

JAMES D. HIGGS
 COUNTY SURVEYOR

FILED
 1963 SEPT. 5

MSA 25117A - 20615



HOLLAND POINT CITIZENS ASSOCIATION

Post Office Box 232
North Beach Park, Maryland 20714

JP 25.00
FEE
check 2215

PIER CONSTRUCTION AGREEMENT

This Pier Construction Agreement is made this 12th day of April, 2021 between the Holland Point Citizens Association hereinafter called the Association and John A Haigh, hereinafter called the Property Owner (s), who shall be subject to the terms and conditions and restrictions contained herein, as applicable to the pier now planned to be located immediately in front of the Property Owner's domicile on Lot/s 7 & 6, Block 20, Plat 40 situated adjacent to the Herring Bay (name of waterway), and North Beach Park.

WHEREAS the Property Owner holds legal title to the property described above that adjoins the property of the Association, and

WHEREAS the Property Owner desires to have the privilege of constructing a private pier for fishing, swimming, crabbing, boating and other recreational uses in close proximity to its domicile, and

WHEREAS the Association is desirous of cooperating with the Property Owner in the construction of a private pier for said recreational purposes, provided that the construction of the pier does not diminish the rights of the Association to, at its sole discretion, repair, maintain and develop the community owned property to which the pier will be attached.

NOW THEREFORE in consideration of twenty-five dollars (\$25.00) and other valuable consideration, including the Association's granting of the privilege to construct a recreational pier, receipt of which is acknowledged and intending to be legally bound hereby, the parties named herein agree as follows:

FIRST: The property limit is that area lying directly between Block 20, Lot/s 7 & 6, Plat 40 and the Herring Bay (name of waterway) bound by the extension of the side of the property lines directly to the mean high tide point.

SECOND: It is expressly stated and understood that nothing contained in this Agreement shall constitute a dedication or conveyance of any part or parcel of the bay front property owned by the Association, other than for the purpose of access to and from and for the construction of said pier, or taking those actions required of the Property Owner as specified later herein.

THIRD: Title to the bay front property to which said pier will be attached is expressly reserved for the Association and the Association reserves the right to, at its sole discretion, to develop the bay front in any manner it sees fit for the joint use and benefit of other property owners in the North Beach Park subdivision.

HPCA Pier Construction Agreement (Cont.)

FOURTH: The Association retains its full right and authority to prescribe, from time to time, the manner of use of its bay front property and the kind and character of any structures or objects that the Association may permit on its property.

FIFTH: It is understood and acknowledged that the Property Owner, its successors, assigns or agents shall abide by the following covenants pertaining to the construction, use, liability, and removal of said pier, as well as adherence to all local, state, and Federal regulations, codes and law regarding construction of said pier:

1. The finished pier shall not exceed 100 feet in length from the mean high tide point and a platform incorporated into the pier shall not exceed the LESSER of 300 square feet, OR the Anne Arundel County limit current at the time of the permit application.
2. The pier shall be restricted to the recreational use of the Property Owner and shall not be used for business or trade purposes of any kind and shall not be used as a point to initiate or terminate commercial fishing parties. Nor shall the pier be used as space rental or lease facility.

The uses stated above are as defined in Anne Arundel County Code 13-300.2(54), Marina Definition, as may be amended from time to time.

3. No structure to said pier shall be erected or built, nor shall any change, alteration, or addition thereto be made until the plans and specifications for such pier and its location are submitted to and approved by the Association. Pier construction plans must comply with the permit requirements prescribed by the Association and by Anne Arundel County Planning Ordinance Section 10-111, current at the time the request for approval is made by the Property Owner.
4. Free and open access shall not be hindered by the Property Owner's use of said pier. No fences, hedges, walls or other obstructions restricting free and easy access to the bay front will be permitted and will be removed immediately upon request by the Association.
5. No trees shall be cut, or excavations made, and no earth, sand, or stone shall be removed from the bay front without the express written permission of the Association.
6. No privy of any kind shall be allowed on said pier or adjoining land of the Property Owner and no loud, noxious, and offensive behavior shall be allowed during recreational activities on said pier or on Association property to which the pier is attached. Nor shall anything be placed or kept on the pier which is or may become an annoyance, nuisance, or affront to the sensibilities of the community.

HPCA Pier Construction Agreement (Cont.)

7. All cost and expense incurred in the construction of said pier, including the restoration of community property disturbed during construction, or resulting from the maintenance, use, repair, or removal of said pier at the request of the Association, as well as its possible restoration in the same location with the approval of the Association, shall be at the sole cost and exclusive responsibility of the Property Owner.
8. The Property Owner will save the Association harmless from any and all third party liability arising out of the placement and use of said pier and shall indemnify the Association from any loss or damage it might sustain by reason of any acts of commission or omission of the Property Owner, its successors, assigns, agents, employees, and visitors, including court costs and reasonable attorneys fees incurred in connection with any litigation resulting from such acts.
9. The Association assumes no responsibility for the protection, care, and guarding of said pier and appurtenances. Nor shall the Association have any responsibility to protect the Property Owner from the effects of trespass and/or unauthorized use of said pier by others, and it shall not be responsible for the loss of, or damage to the property of the Property Owner resulting from such actions.
10. The Property Owner agrees to remove said pier or any part thereof as may be requested by the Association within ninety (90) days of receipt of the written notice from the Association specifying that it has either 1) adopted a comprehensive plan for the development and use of the bay front area for the recreational use and enjoyment of the residents of the North Beach Park subdivision, and that removal of all or part of said pier is required to allow said use of the area, or 2) it requires removal of all or part of said pier to facilitate the repair and /or replacement of the riprap and bulkhead components of the bay front erosion control system.
11. This Agreement shall be binding on the Association and the Property Owner , its successors, assigns, or agents for the duration of the Property Owner's ownership of the domicile noted above, unless either party is served a written Notice of Termination at least thirty (30) days prior to the termination date specified in said Notice.

HPCA Pier Construction Agreement (Cont.)

Property Owner(s) Signature: John A. Haigh

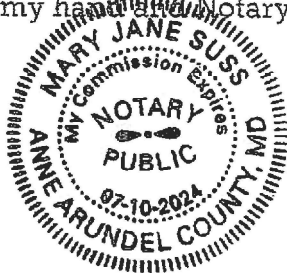
Property Owner(s) Name(s): John A. Haigh

State of Maryland, County of Anne Arundel Date: 4-12-2021

To Wit:

I hereby certify on the 12th day of April, 2021; before me, a Notary Public in and for the State of Maryland and County of Anne Arundel, personally appeared John A. Haigh who did acknowledge the within Agreement to be his/her/their act and deed.

Witness my hand and Notary Seal:



Mary Jane Suss
Notary Public
My Commission Expires: 7-10-2024

Holland Point Citizens Association Officer Signature: Janie Suss

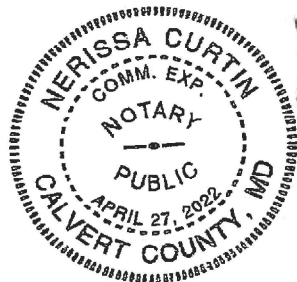
Officer's Name: Janie Suss Title: HPCA

State of Maryland, County of Anne Arundel Date: 4.14.2021

To Wit:

I hereby certify on the 14th day of April, 2021; before me, a Notary Public in and for the State of Maryland and County of Calvert, personally appeared Janie Suss who did acknowledge the within Agreement to be his/her/their act and deed.

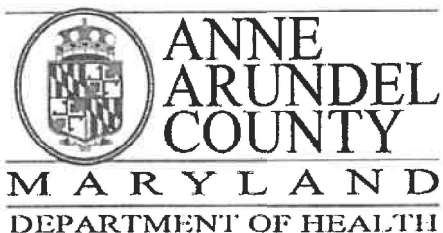
Witness my hand and Notary Seal:



Nerissa Curtin
Notary Public
My Commission Expires: 04/27/2022

2023-0110-V

Menu	Cancel	Help
Task	Due Date	Assigned Date
OPZ Critical Area Team	07/21/2023	06/30/2023
Assigned to Department	Assigned to	Status
OPZ Critical Area	Melanie Mathews	Complete w/ Comments
Action by Department	Action By	Status Date
OPZ Critical Area	Melanie Mathews	07/26/2023
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	The site plan provided for the Variance agrees with the original site plan submitted for the pier under permit B02395788. The critical area team of OPZ has no objection to the project proposed under this variance.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA <input checked="" type="checkbox"/>	Display Comment in ACA <input checked="" type="checkbox"/>	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	



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
Acting 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: July 3, 2023

RE: John Haigh
700 Bay Front Ave.
North Beach, MD 20714

NUMBER: 2023-0110-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow pilings (2) with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health department has no objection to the above referenced request .

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

cc: Sterling Scay

I want to...



664

668

672

X

702

708

7