

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

APPLICANT: Craig & Melanie Keller

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0169-V

COUNCIL DISTRICT: 3rd

HEARING DATE: November 16, 2023

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow boat lift pilings (two) with less setbacks than required on property located at 286 Riverside Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 11,155 square feet of land and is located with 36 feet of frontage on the northeast side of Riverside Drive. It is identified as Lots 53 & 54 of Parcel 343 in Grid 15 on Tax Map 24 in the Upper Magothy Beach subdivision.

The property is primarily zoned R2 – Residential District with a small area near the shoreline zoned OS – Open Space District. The current zoning was adopted by the comprehensive zoning for Council District 3, effective January 29, 2012.

The site is a waterfront lot on the Magothy River 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 platform.

PROPOSAL

The applicants propose to remove a 7' x 12' portion of the existing platform and to construct two boat lift pilings in order to accommodate a 13' wide lift/slip on the southwestern side of the pier.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance requires a private pier or piling to be set back a minimum of 15 feet from a lot line extended. The two boat lift pilings would be located approximately nine feet from the southwest side lot line extended, necessitating a variance of six feet.¹

¹ The Critical Area Team's pier permit reviewer commented that the southwestern side lot line extension is not drawn correctly. The extension should be drawn to be parallel with the adjacent pier to the southwest. Therefore, the requested variance has been adjusted accordingly.

FINDINGS

The subject property is both undersized and narrow for the R2 District. A review of the County 2023 aerial photograph shows that the majority of waterfront properties in the immediate area are similarly narrow and contain piers, many of which also have associated pilings and/or boat lifts.

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

The **Development Division (Critical Area Team)** commented that the site plan is drawn according to the shoreline as shown on Plat 9, page 43, which includes +/- 40' linear feet of shoreline. The south property line extension (PLE) could be drawn more accurately as generally parallel to the adjacent pier. As such, the variance request may be more in line with a variance request of six feet rather than the five feet requested; however, this is minimal and there appears to be no significant impact. The Critical Area Team has no objection to this proposal.

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 at the shoreline, allowing only 10 feet +/- of buildable water area.

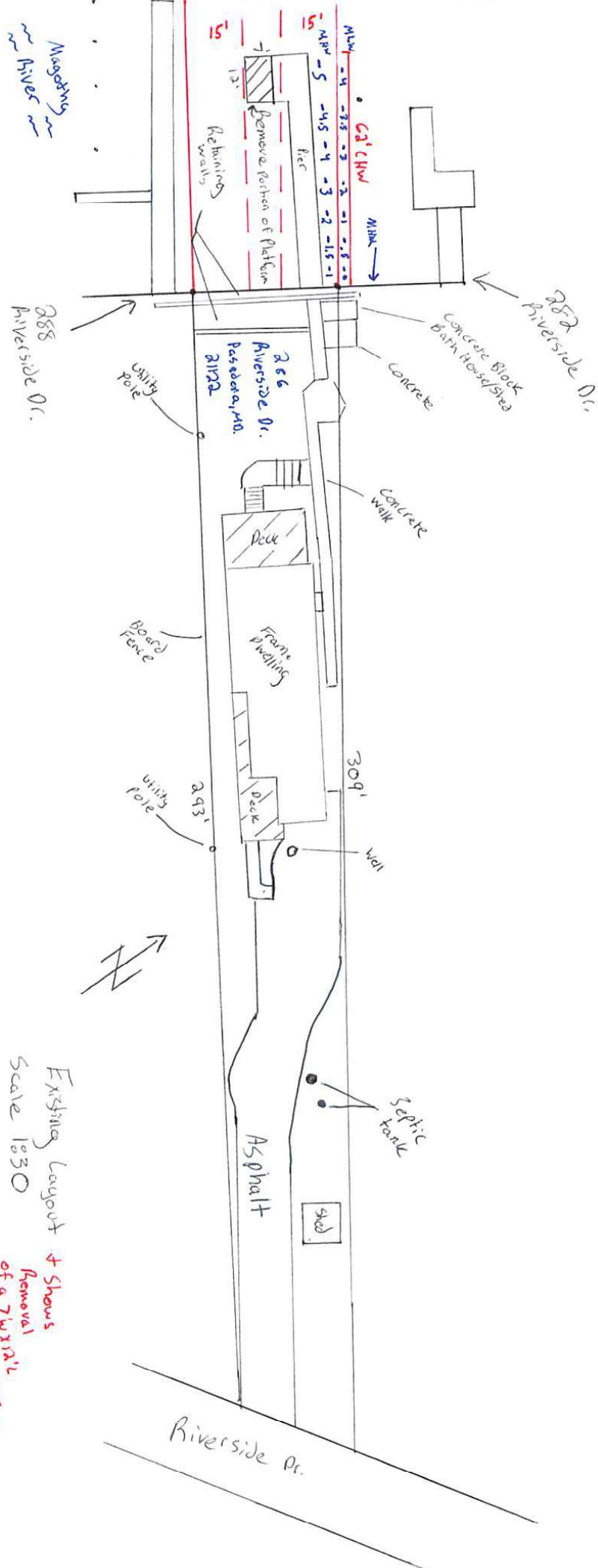
Approval of the variance would not alter the essential character of the neighborhood, as the proposed boat lift is typical in size and would be generally comparable to those of other nearby waterfront properties. The variance would not impair the appropriate use or development of adjacent properties, as the mooring pilings on the adjacent pier to the southwest are located on the opposite side of the pier. It does not appear that the proposed boat lift pilings would impede navigation or safe docking. 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 location of the existing and neighboring piers, and the overall neighborhood context, the request for relief is justifiable. The applicants have minimized the requested setback variance by eliminating a significant seven-foot wide portion of the existing platform in order to allow more room for the proposed boat lift. As such, the variance is considered to be the minimum necessary to afford relief.

RECOMMENDATION

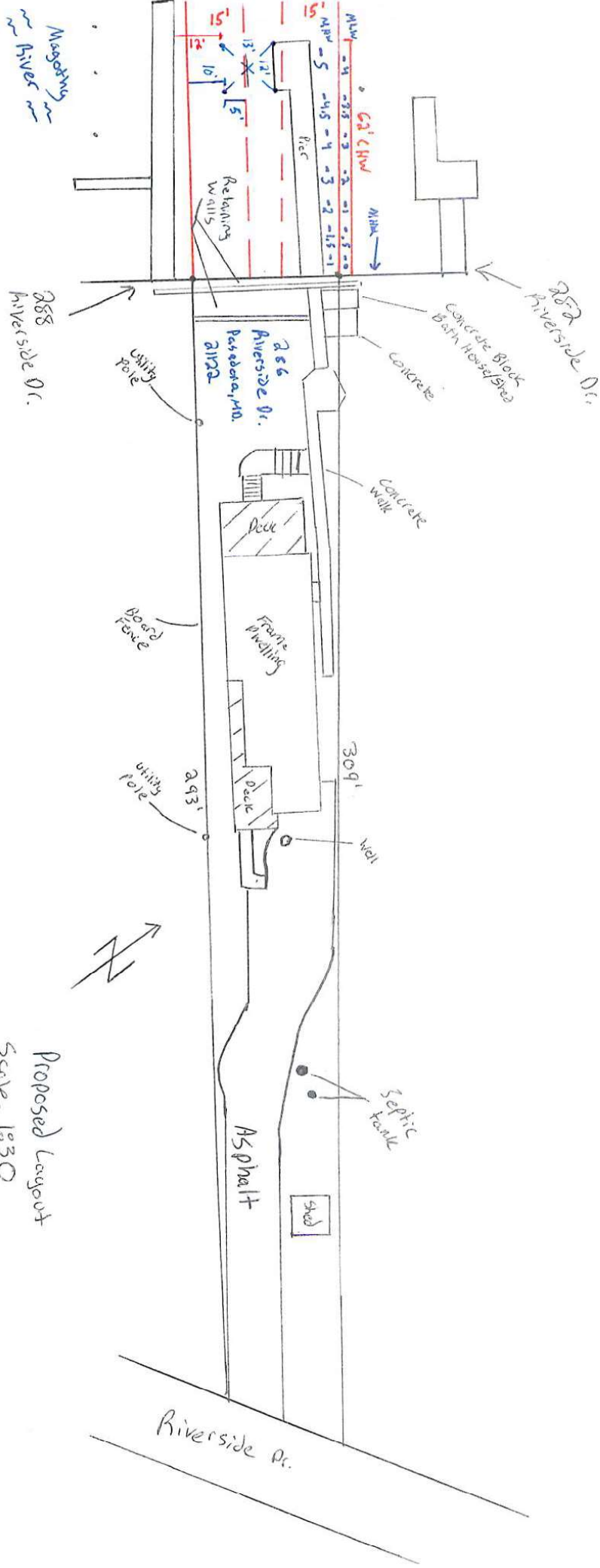
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to § 18-2-404(b) of six feet to the minimum 15-foot setback requirement to allow two boat lift pilings to be constructed approximately nine feet from the southwest side lot line extended.

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 layout + Shows
 Removal of a 7' x 12' Portion of Platform
 Scale 1/320

* Extended PLE's are drawn with last course, due to undersized lot



Proposed Layout
 Scale 1:30
 * Extended PLE's are drawn
 with last course, due to undersized lot

Letter of Explanation

286 Riverside Dr. Pasadena, MD. 21122

Craig & Melanie Keller

Install 2 poles for a boat lift. We are requesting to install 2 poles for a 13'w x 12'l Boat Lift 5 feet into the setback and 10 feet off the extended property line. All work a max of 62 feet channel ward of the mean high-water line. The Keller's property is undersized with only 40' of waterfront footage, therefore leaving only a 10' wide buildable area between the setback lines. This request does not change the landscape of the Upper Magothy Beach Community, as numerous residents have multiple Boat Lifts or Boat Slips.

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

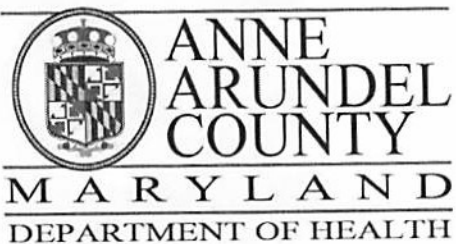
Best,

Tim Glaser – 240-695-4930

tim@magnumlift.com

Boat Lifts Unlimited

1901 Betson Ct. Odenton, MD. 21113



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

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in black ink, appearing to be "BC", written over the printed name of Brian Chew.

DATE: October 2, 2023

RE: Craig Keller
286 Riverside Drive
Pasadena, MD 21122

NUMBER: 2023-0169-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow boat lift pilings 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 Seay

2023-0169-V

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
10/19/2023
Assigned to
Melanie Mathews
Action By
Melanie Mathews
End Time

Assigned Date
10/02/2023
Status
Complete w/ Comments
Status Date
10/04/2023
Hours Spent
0.0

Billable
No
Overtime
No

Comments
The site plan is drawn according to the shoreline as shown on Plat 9, page 43 which includes +/- 40' linear feet of shoreline. The South property line extension (PLE) could be drawn more accurately as generally parallel to the adjacent pier. With this being said, the variance request may be more in line with a variance request of 6' instead of the 5' request however this is minimal and otherwise there appears to be no significant impact. The request seems reasonable and meets all of the requirements of a request for variance. The critical area team has no objection to this proposal.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA** **Comment Display in ACA**

In Possession Time (hrs)
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner
Workflow Calendar

Estimated Hours
0.0
Action
Updated

Task Specific Information

Review Notes **Reviewer Phone Number**
410-222-7960

I want to...

