

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

APPLICANT: Paul Bruce, Jr and Laura Hurwitz

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0217-V

COUNCIL DISTRICT: 3

HEARING DATE: February 22, 2024

PREPARED BY: Jennifer Lechner
Planner II



REQUEST

The applicants are requesting variances to allow a pier and mooring pilings with less setbacks than required on property located at 440 Riverside Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,875 square feet of land and is located with 50 feet of frontage on the east side of Riverside Drive. It is identified as Lot 74 of Parcel 343 in Grid 15 on Tax Map 24 in the Upper Magothy Beach subdivision. The property is zoned R2 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. The waterfront lot lies entirely within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a one-story dwelling, a residential pier, and associated facilities.

PROPOSAL

The applicants propose to replace the existing pier and add two mooring piles for a boat lift on the north side of the pier.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Ordinance provides that a private pier or mooring piling shall be located at least 15 feet from a lot line extended.

- (1) The proposed 6 foot by 80 foot pier would be located as close as 11 feet from the northeast side lot line extended, necessitating a variance of 4 feet.
- (2) The proposed mooring piles would be located as close as 2 feet¹ from the northeast side lot line extended, necessitating a variance of 13 feet.

¹ Per the site plan, two mooring piles are proposed for the boat lift; one marked as 2 ft from the extended property line, and one approximately 4.75 feet from the extended property line.

FINDINGS

The subject property is undersized in relation to the minimum lot size of 20,000 square feet for lots not served by public sewer and the minimum lot width of 80 feet for lots in the R2 District. A review of the 2023 County aerial photography shows that the subject site and nearby waterfront lots contain piers, boat lifts and other associated improvements.

The applicants' letter explains that the location of the adjacent piers creates a restrictive, pie-shaped developable water area that is insufficient for a pier long enough to access the water depths necessary for a boat lift, while meeting the required setbacks. Their letter further states that the proposed pier and piling configuration has been minimized as they are only proposing a pier with a single boat slip/lift on one side, without any platforms or finger piers. They believe that the proposed location of the pier reduces the overall noncompliance of the existing pier and is the minimum necessary to afford relief.

Agency Comments

The **Development Division (Critical Area Team)** notes that this variance request is for relief from the requirements of Article 18-2-404(b) for residential piers. The property line extensions are drawn as a point-of-cove and have been reviewed as being accurate based on the existing site conditions². The request for a variance appears to meet the requirements of Article 18-16-305(a) for zoning variances therefore the critical area team of the Office of Planning and Zoning has no objection to this request.

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

Variance Criteria

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the subject property is narrow, with an angled shoreline. The extended side lot lines, and resulting setbacks, converge into a narrow wedge of buildable area over the water, which creates practical difficulties. The applicants' request appears to be the minimum necessary to afford relief, as the new pier will be located almost entirely within the resulting buildable area over the water, with minor encroachment into the northeast side setback only. In addition, their request does not appear to negatively impact the navigation or use and enjoyment of the adjacent waterfront lots.

² Per the site plan, the north property line was extended from the side lot line at a 90-degree angle to the shoreline, and the south property line was extended from the side lot line generally parallel with the existing pier located on the adjacent lot. The point of cove does not affect the proposed pier.

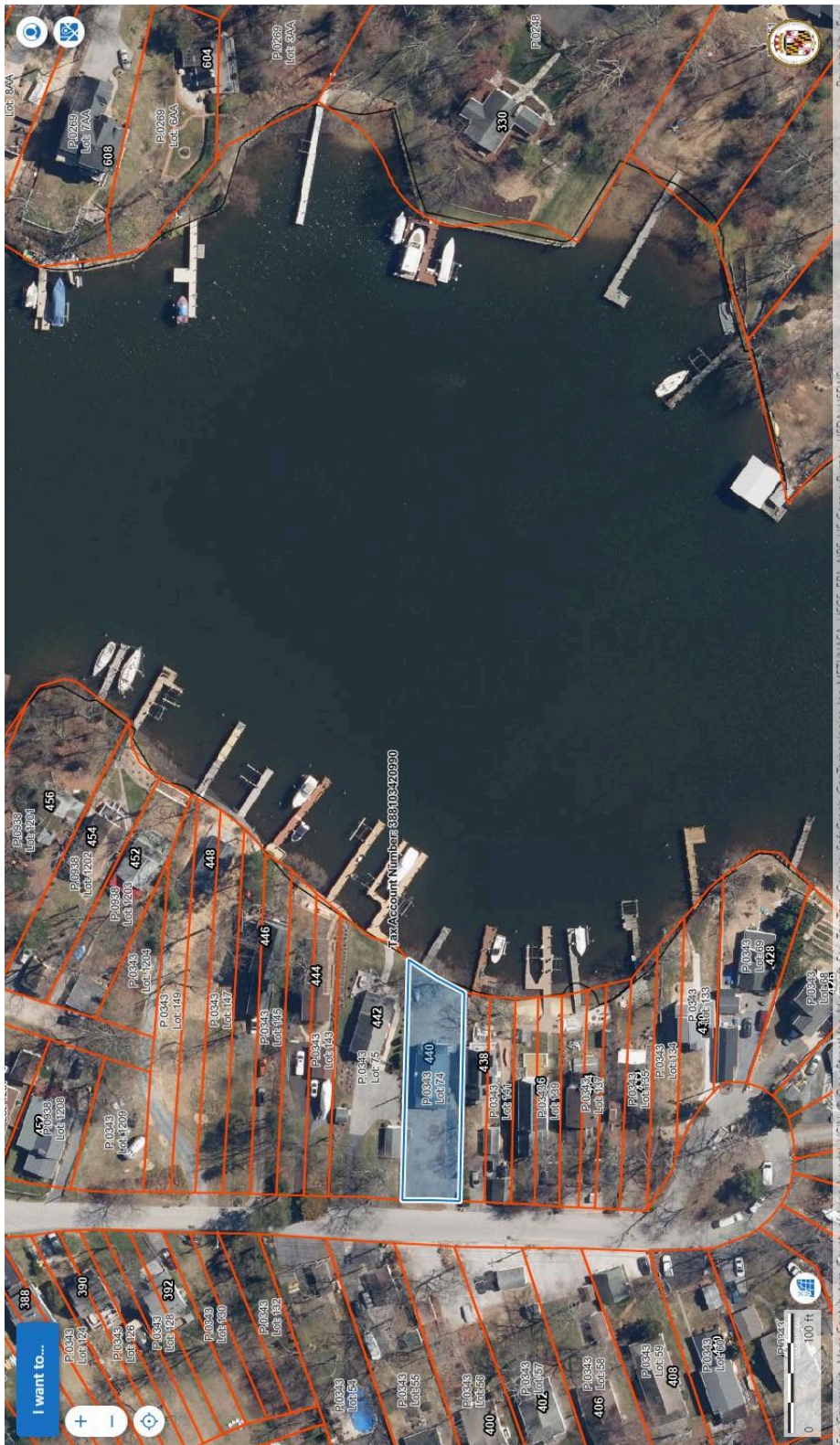
The granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the requested variances to § 18-2-404(b) to allow a pier and mooring pilings with less setbacks than required, as shown on the site plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

2023 AERIAL

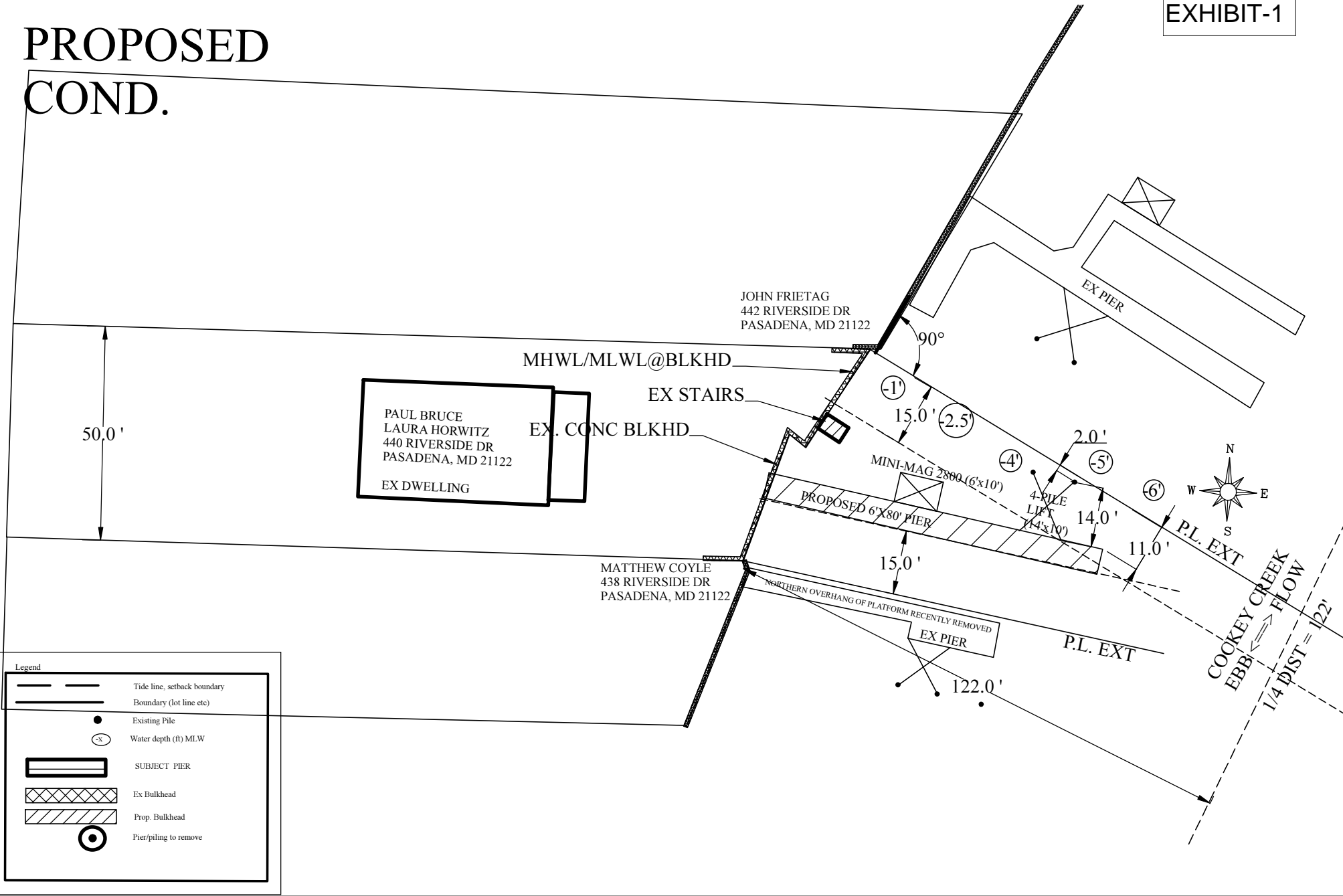


2023-0217-V

2023 DETAIL



PROPOSED COND.



Legend

- Tide line, setback boundary
- Boundary (lot line etc)
- Existing Pile
- Water depth (ft) MLW
- SUBJECT PIER
- Ex Bulkhead
- Prop. Bulkhead
- Pier/piling to remove

This drawing is for permit purposes only for the described homeowner, property and improvement. This drawing is NOT based on a survey. All specifications provided by applicant. All distances and scaled relationships are approximate and are not to be relied on for construction or purposes other than this permit application. Applicant is solely responsible for all work that occurs at the site, inspections and any surveys necessary to properly locate improvements, maintain required setbacks, confirm and/or perfect all locations, dimensions, measurements and relative relationships. Applicant responsible for contacting MISS UTILITY and having all utilities marked/located prior to start of work and confirming no danger/conflict with all utilities.

Applicant signature: _____

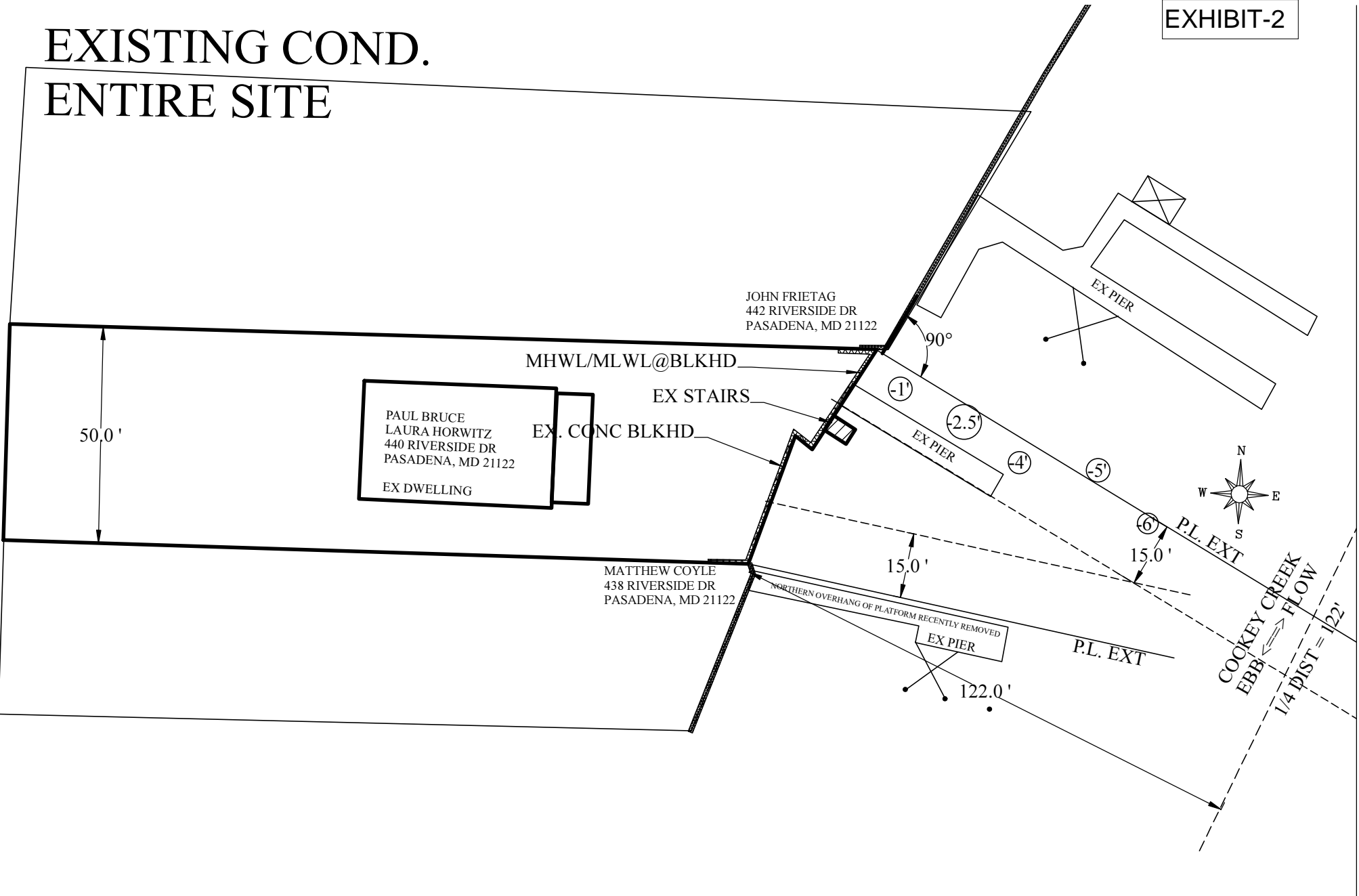
SCALE 1" = 30'

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Applicant: LAURA HURWITZ
 Property Address: 440 RIVERSIDE DR, PASADENA, MD 21122
 Tax-ID: 03-881-03420990
 Project Description: REPLACE EXISTING PIER WITH 6'x80' PIER, TWO BOAT LIFT PILES NORTH SIDE, ONE 4-PILE BOAT LIFT, ONE MINI-MAG 2800 CANTILEVERED LIFT NORTH SIDE. SEE AACO VARIANCE TO 15 FT SETBACK ON NORTH SIDE.

Date: 10/12/2023 Sheet: ___ of ___

EXISTING COND. ENTIRE SITE



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 SEE AACO VARIANCE TO 15 FT SETBACK ON NORTH SIDE.

Date: 10/12/2023 Sheet: ____ of ____

Letter of Explanation

440 RIVERSIDE DR., PASADENA, MD 21122

Paul Bruce and Laura Horwitz, Owners of the above-referenced property, seek a variance to allow the installation of a 6'x80' replacement pier, not in-kind, with two boat lift pilings on the North side to allow one small boat to be stored securely on a boat lift. As proposed, the improvements will require a variance of 13 feet beyond the set-back limitation imposed by 18-2-404(b)(2) for the boat lift pilings on the North side of the pier and a variance of 4ft for the 21 sq ft triangular corner of the end of the pier, also on the North side. The remainder of the proposed pier complies with codes. See Exhibit-1 for proposed conditions.

The property is unique and irregular for the neighborhood and surrounding waterfront properties. The shoreline of the subject property and adjacent neighbors creates a concave shoreline while the placement of adjacent piers causes the subject property to have a narrowing pie-shaped developable water area that comes to a point some 85 feet channelward of the bulkhead (see Exhibit-1). The subject site is the "pinch-point" between two adjacent piers that angle towards each other. The subject shoreline is not in a cove. Based upon property line extensions into the water as supported by code, this creates a uniquely restrictive and insufficient area for developing a pier with a single 4-pile boat lift that is long enough to access waters deep enough for the boat lift to function well during typical conditions and meet setbacks as required by 18-2-404(b)(2).

The proposed pier and piling configuration has been minimized and creates a pier with a single boat slip/lift only on one side and does not propose any platforms or finger piers. The proposed pier is being relocated relative to the current pier's nonconforming location in an attempt to reduce overall noncompliance with existing codes as much as possible (see Exhibit 2 for existing conditions). Accordingly, the variance sought for two boat lift pilings and a 21 sq ft triangular end-section of the proposed 6 ft wide pier with less setback than required by 18-2-404(b)(2) is the minimum necessary to afford relief and allow a single, small boat to be securely berthed, on a boat lift, on this pier.

The granting of the requested variance will not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent properties. As shown on Exhibit-3, several consecutive homes immediately North and South of the subject site all have piers with a minimum of one 4-piling boat lift and some have several slips with lifts.

In conclusion, the unique and irregular characteristics of the subject site's developable waterway (concave shoreline, pie-shaped developable riparian area, water depths near shore, restrictions due to adjacent existing piers) justify the granting of the requested variance yet assure no detrimental impact to surrounding properties and to the public.

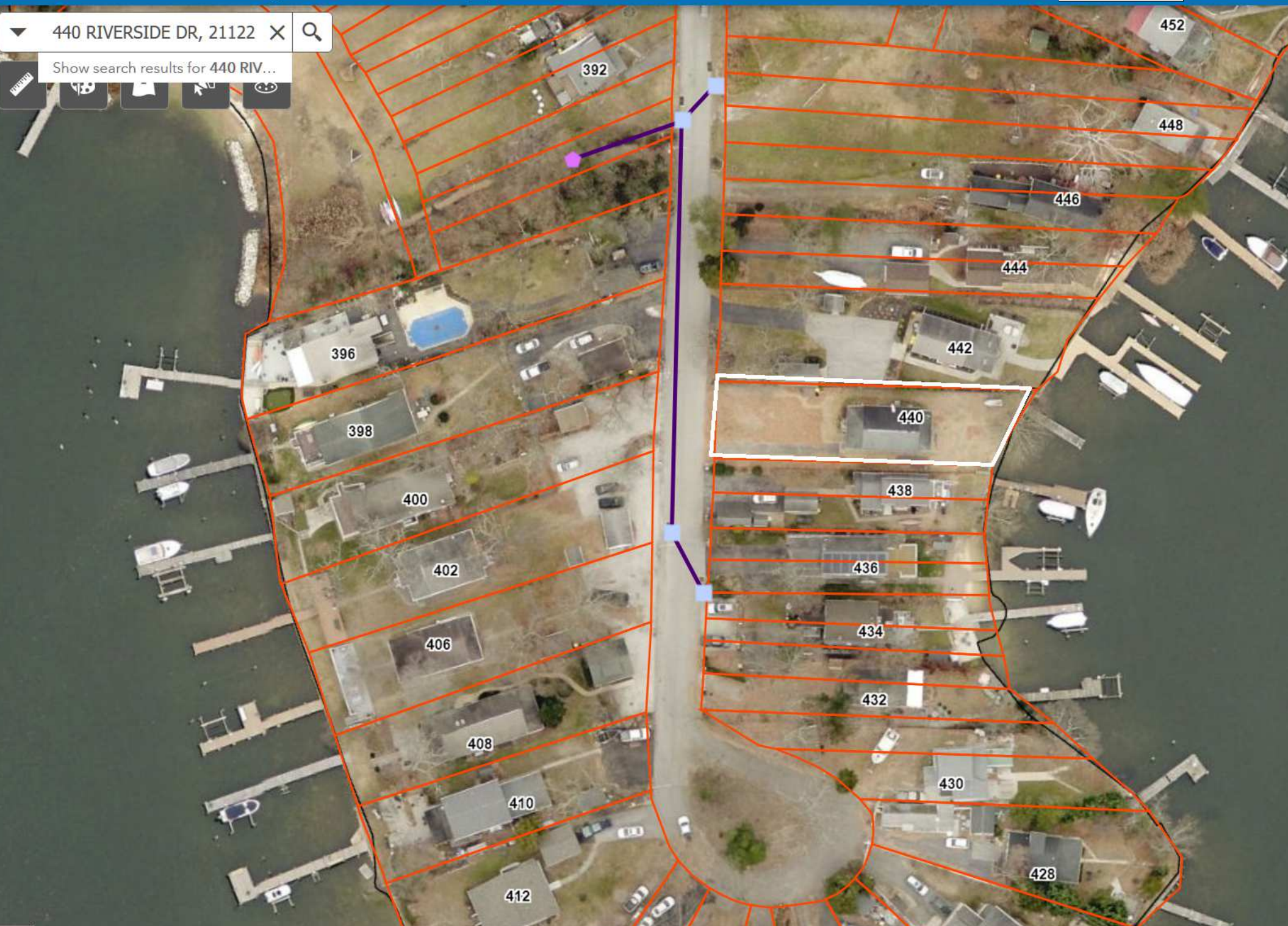
Enclosures:

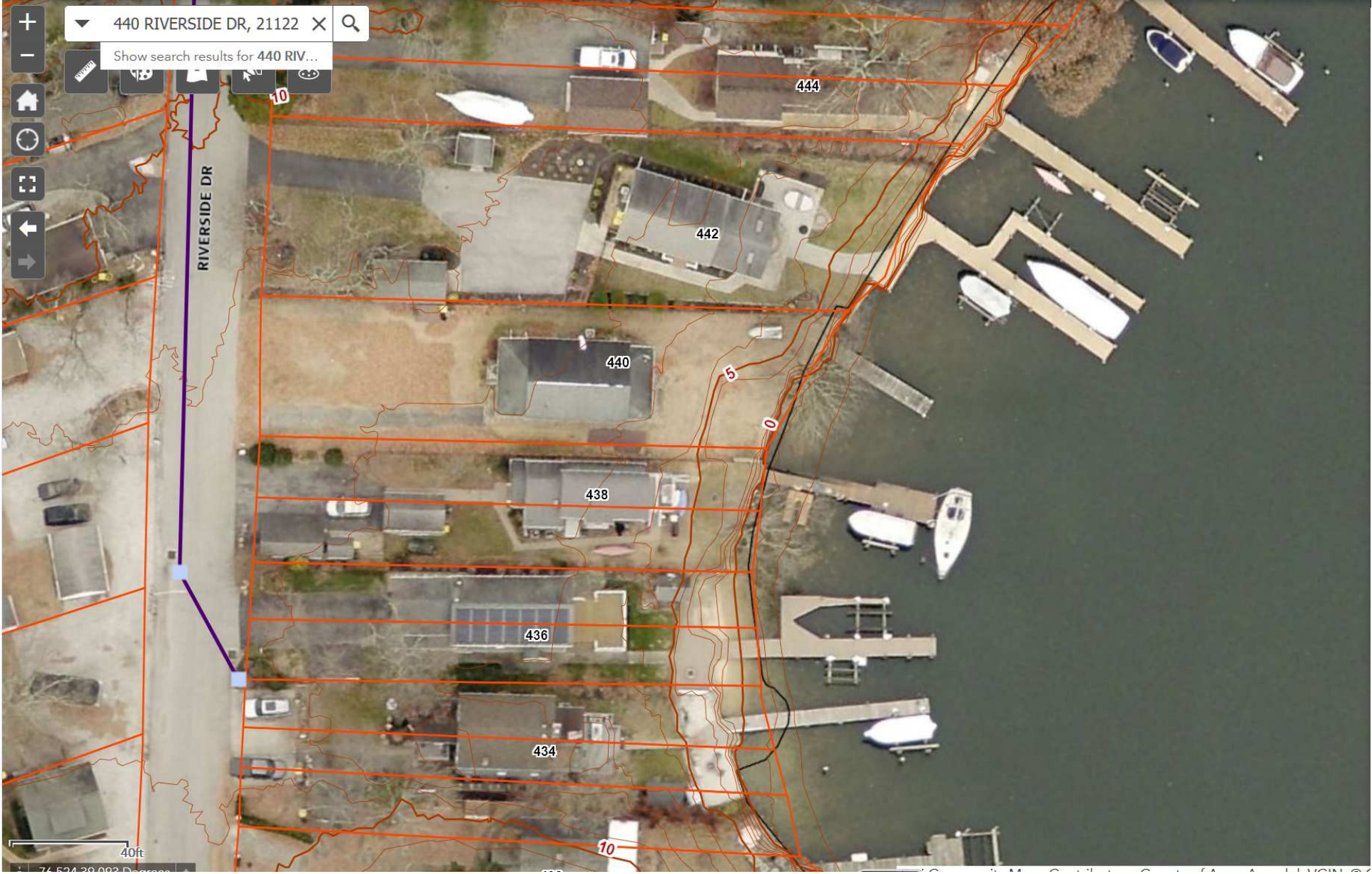
- Exhibit 1 – proposed conditions site plan
- Exhibit 2 – existing conditions site plan
- Exhibit 3 – Aerial image of site and surrounding neighbors piers

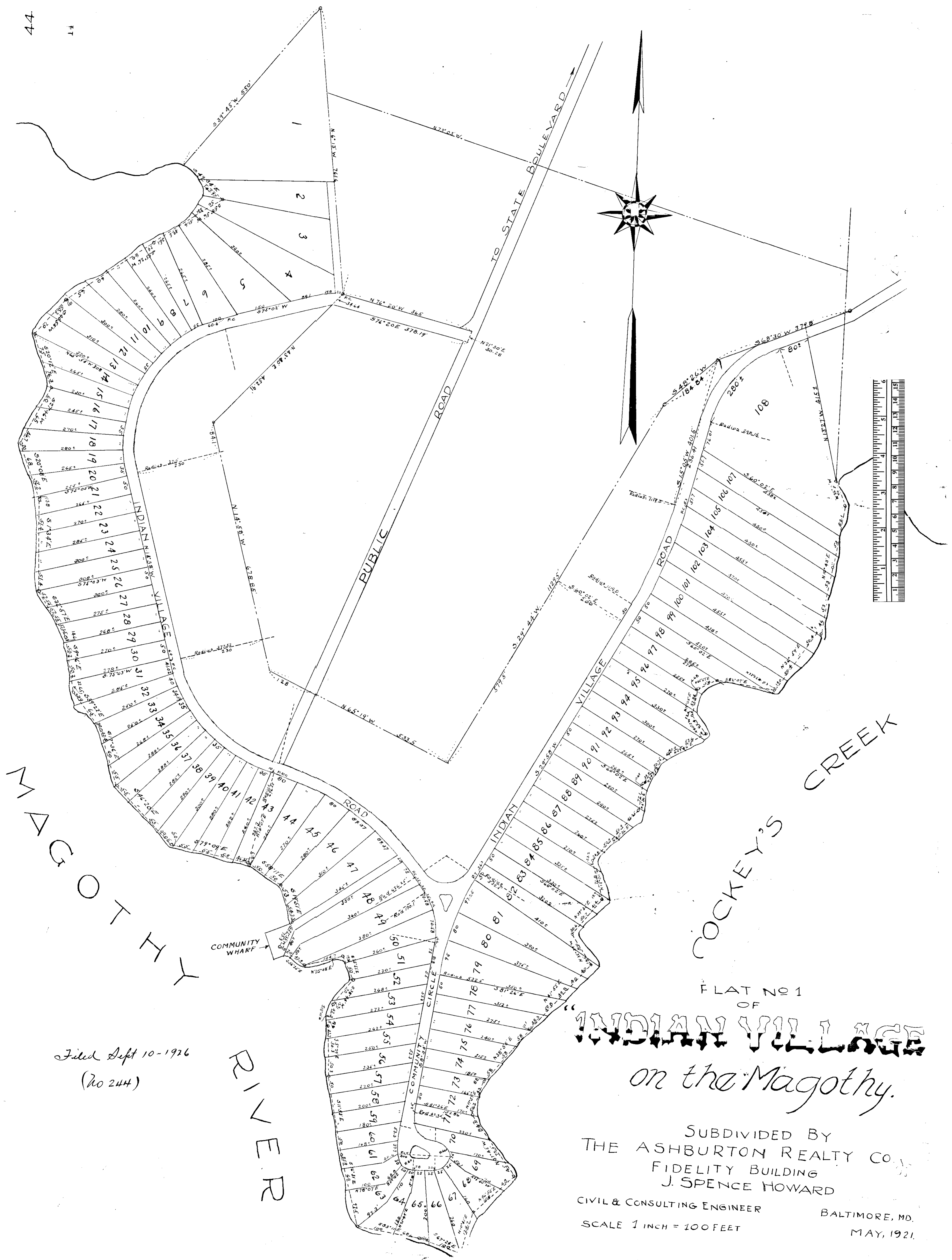


440 RIVERSIDE DR, 21122 X Q

Show search results for 440 RIV...





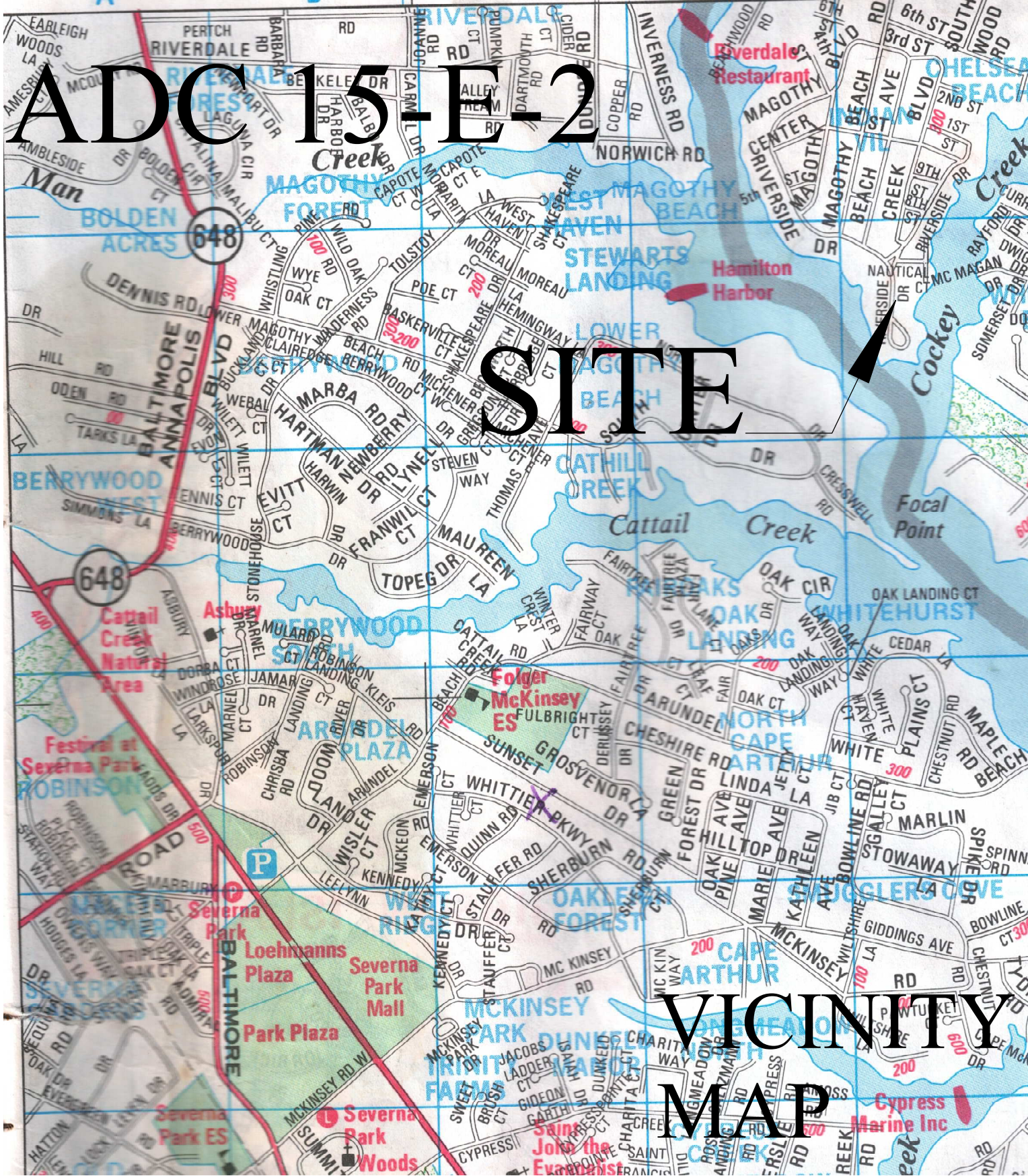


Filed Sept 10-1926
(No 244)

FLAT NO 1
OF
INDIAN VILLAGE
on the Magothy.

SUBDIVIDED BY
THE ASHBURTON REALTY CO.
FIDELITY BUILDING
J. SPENCE HOWARD
CIVIL & CONSULTING ENGINEER
BALTIMORE, MD.
SCALE 1 INCH = 100 FEET
MAY, 1921.

930,000 FT 76°32'30"



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Applicant signature:

SCALE
1" = 1000'

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Date: 10/12/2023 Sheet: ___ of ___

2023-0217-V - pier, piles - setbacks

Menu Cancel Help

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

Due Date
12/26/2023
Assigned to
Melanie Mathews
Action By
Melanie Mathews
End Time

Assigned Date
12/15/2023
Status
Complete w/ Comments
Status Date
12/21/2023
Hours Spent
0.0

Billable
No
Overtime
No

Comments
This variance request is for relief from the requirements of Article 18-2-404(b) for residential piers. The property line extensions are drawn as a point-of-cove and have been reviewed as being accurate based on the existing site conditions. The request for a variance appears to meet the requirements of Article 18-16-305(a) for zoning variances therefore the critical area team of the Office of Planning and Zoning has no objection to this request.

Time Tracking Start Date
No
Est. Completion Date
No
In Possession Time (hrs)
No
Display E-mail Address in ACA **Display Comment in ACA** **Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Estimated Hours
0.0
Action
Updated
Workflow Calendar

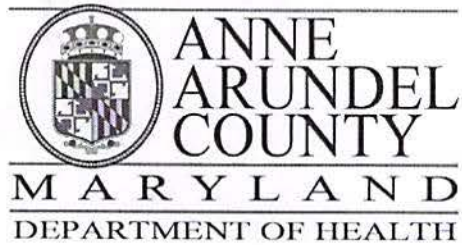
Task Specific Information

Review Notes

Reviewer Name
MELANIE MATHEWS

Reviewer Phone Number
410-222-7960

Reviewer Email
PZMATH20@aacounty.org




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

DATE: December 8, 2023

RE: Paul S. Bruce Jr.
440 Riverside Drive
Pasadena, MD 21122

NUMBER: 2023-0217-V

SUBJECT: Variance/Special Exception/Rezoning

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