

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

APPLICANT: Rebecca and Milton Craig, III

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0225-V

COUNCIL DISTRICT: 3rd

HEARING DATE: February 27, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow boat lift pilings (2) with less setbacks than required on property located at 8170 Forest Glen Drive in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 9,875 square feet of land and is located on the east side of Forest Glen Drive where it intersects with Surf Circle. It is identified as Lots 93 & 94 of Parcel 79 in Grid 21 on Tax Map 18 in the Forest Glen subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. The site fronts Main Creek, lies within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped BMA - Buffer Modified Area. It is improved with a single-family detached dwelling and associated facilities, including a pier and two mooring pilings.

PROPOSAL

The applicant proposes to construct two boat lift pilings on the north side of the existing pier, in order to accommodate a 12.5-foot wide boat slip/lift.

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. The proposed mooring pilings would be located as close as two feet from the north side lot line, necessitating a variance of 13 feet for each piling.

FINDINGS

A review of the 2023 County aerial photograph shows a neighborhood consisting of a variety of lot shapes and sizes. The majority of nearby waterfront properties contain piers, many of which also have the benefit of associated mooring or boat lift pilings.

The existing pier was recently constructed in 2018. The building permit (B02355207) described the proposal as a 6' by 65' pier and in-kind replacement of two mooring pilings. However, historic County aerials show that the mooring pilings were not replaced in kind. As such, a variance should have been required for the existing mooring pilings on the south side of the pier.

The contractor's letter explains that the homeowners have two boats with only one boat slip currently. A boat lift is required to provide protection, security, and maintenance of their second boat. As the side of the existing pier that does not currently have a boat slip/boat lift runs along the northern setback line, there is no alternative option to avoid requiring a variance to install a new boat lift with its associated pilings. The variance is the minimum variance necessary to allow the homeowners to keep both of their boats on their property. The letter also notes that many of the neighboring piers have multiple boat slips and boat lifts allowing for several boats.

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

The **Development Division (Critical Area Team)** had initially expressed concerns over the accuracy of the variance site plan. However, their updated comments indicate that the applicant has corrected the scale of the 50-foot shoreline and associated property line extensions on the site plan. The Critical Area Team has no objection to the proposed variance request.

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. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants. There are no unique characteristics of this lot nor do exceptional circumstances exist that are preventing reasonable use of and access to the water. Typically, a lot with 50 feet of shoreline can accommodate a pier, platform, and boat lift/slip within the required setbacks. It is the applicants' desire to keep two boats at their pier that is driving the need for the setback variance.

Approval of the variance would not necessarily alter the essential character of the neighborhood, impair the appropriate use or development of the adjacent properties, or be detrimental to the public welfare. However, the recently constructed pier and associated mooring pilings, creating a boat slip of approximately 16 feet +/- wide, already provides reasonable use of and access to the water. Two boat slips/lifts, one on each side of the pier, is more of a luxury than a necessity. As such, the requested variance is not warranted and cannot be considered the minimum necessary.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the requested variance to § 18-2-404(b).

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.

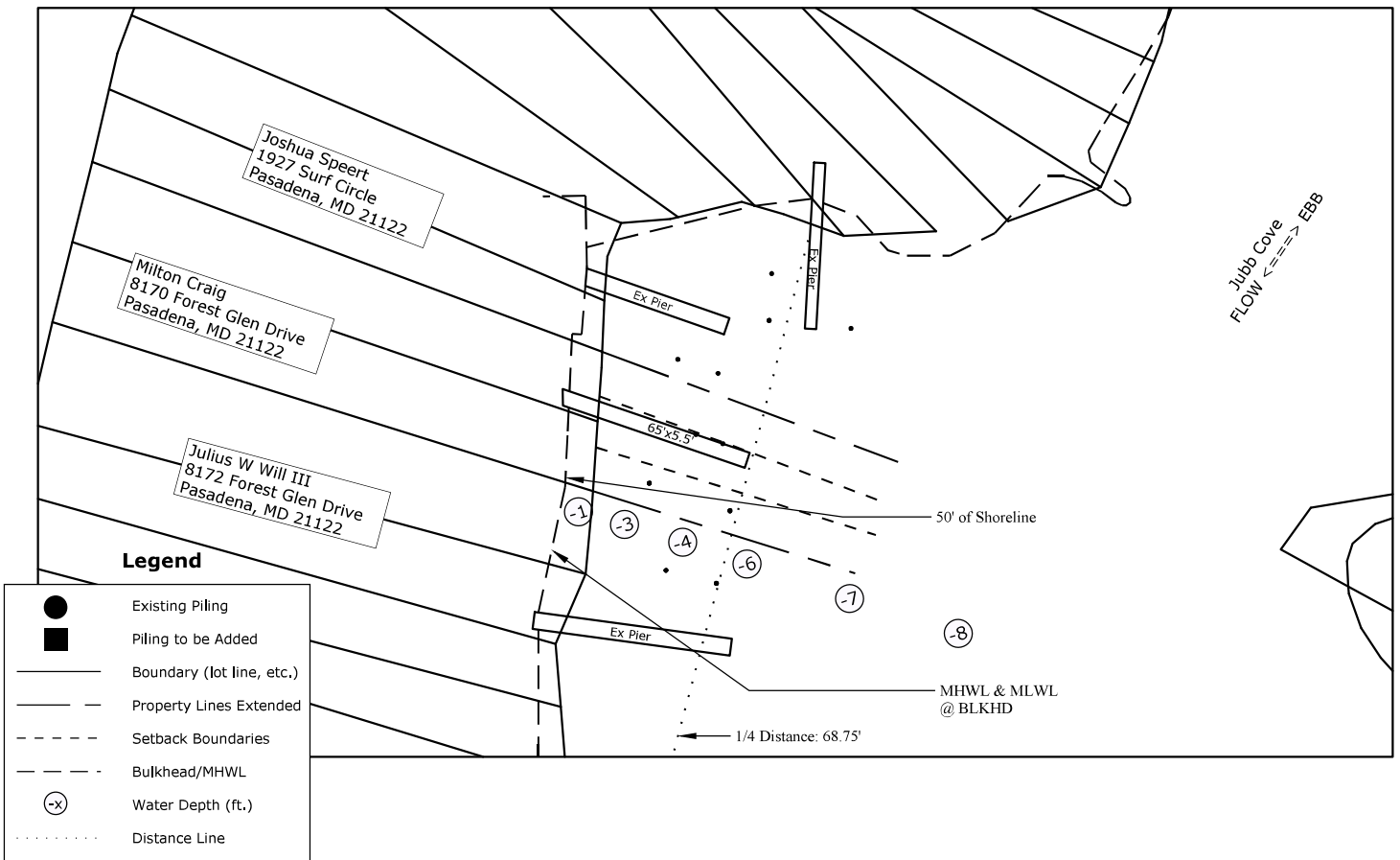
Topographic Map



Applicant: Milton Craig
Property Address: 8170 Forest Glen Drive, Pasadena, MD 21122
Tax-ID: 03-295-13864000
Project Description: Install 2 pilings within the northern setback for a boat lift.

Scale: 1"=50'
Date: 1/8/2024
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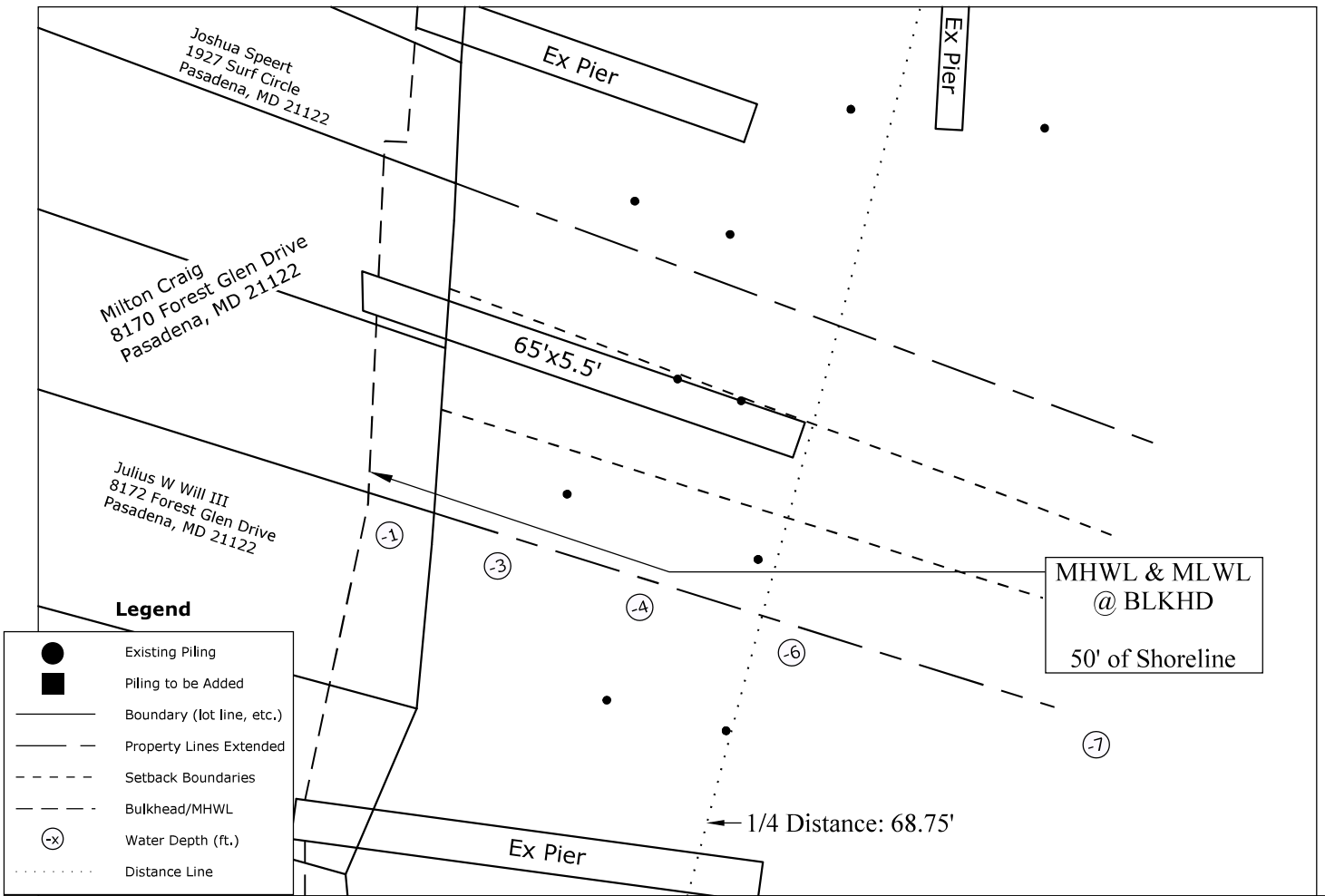
Existing Detail Condition - Entire Site



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Existing Detail Condition



Legend

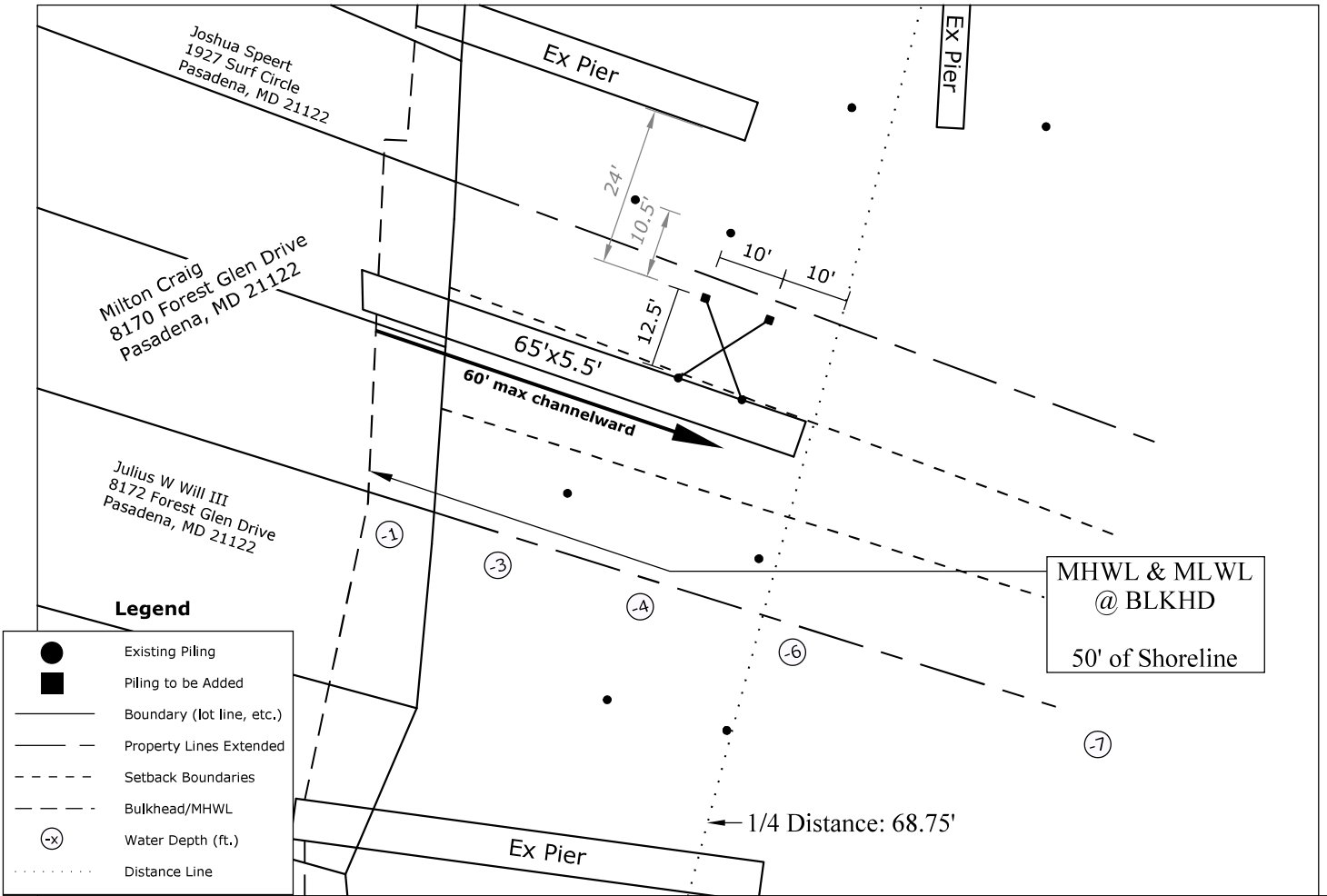
- Existing Piling
- Piling to be Added
- Boundary (lot line, etc.)
- - - Property Lines Extended
- - - Setback Boundaries
- - - Bulkhead/MHWL
- ⊙(-x) Water Depth (ft.)
- ⋯ Distance Line

MHWL & MLWL
@ BLKHD
50' of Shoreline

← 1/4 Distance: 68.75'

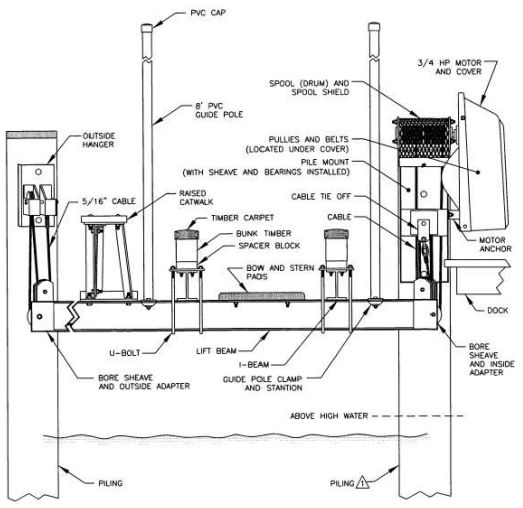
<p>Applicant: Milton Craig Property Address: 8170 Forest Glen Drive, Pasadena, MD 21122 Tax-ID: 03-295-13864000 Project Description: Install 2 pilings within the northern setback for a boat lift.</p>	<p>Scale: 1"=20' Date: 1/8/2024 Page 3 of 9</p>
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Proposed Detail Condition



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1,500lbs. Single Piling Swinger PWC Lift



3,000lbs. 2 Piling BoatLift



10,000lbs. 4 Piling BoatLift



20,000lbs. 4 Piling BoatLift

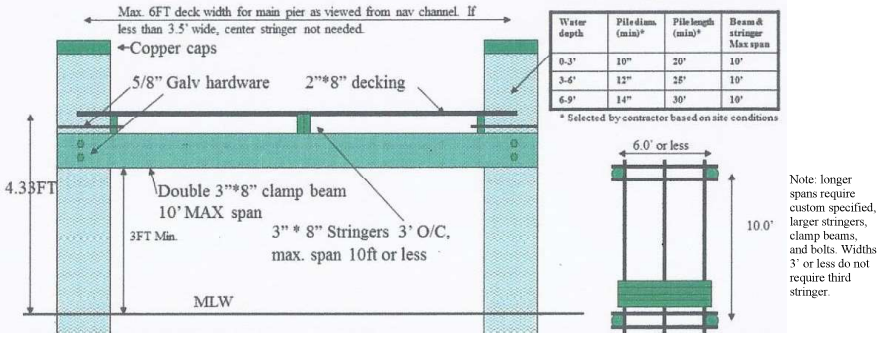


Stock Photos

Applicant: Milton Craig
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Pier Construction Drawing

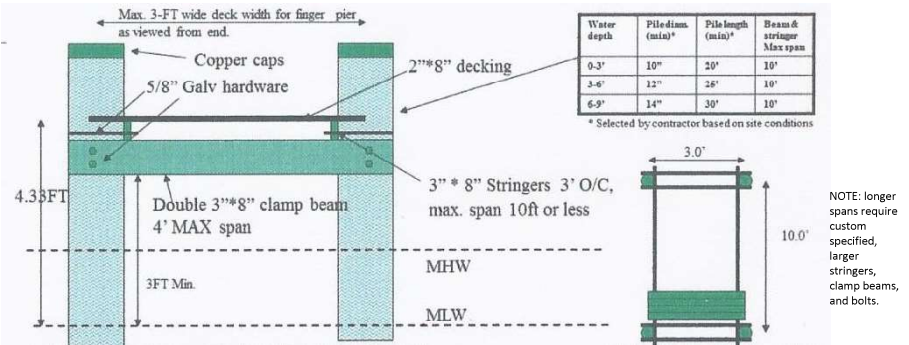


- Pilings, marine grade pressure treated AWP/STD, 1.5lb cu/ft CCA or better type C
- Pilings driven to point of **SIGNIFICANT** resistance or refusal and **AT LEAST** as much below seabed as above
- Framing, beams & stringers 1.0lb cu/ft CCA or better. Decking 0.5lb cu/ft ACQ or better
- All nails 20d or larger, hot dip galvanized
- All exterior bolt-heads recessed & hot dip galvanized
- All beams bolted w/ hot dip galv. 5/8" bolts w/ washers both sides and square nuts. Outer stringers bolted through pilings
- Owner responsible for scheduling required inspections & closing permits
- Owner assumes all responsibility for any construction related to these plans/permits

Scale: NTS

Stock Photos

Finger Pier Construction Drawing



- Pilings, marine grade pressure treated AWP/STD, 1.5lb cu/ft CCA or better type C
- Pilings driven to point of **SIGNIFICANT** resistance or refusal and **AT LEAST** as much below seabed as above
- Framing, beams & stringers 1.0lb cu/ft CCA or better. Decking 0.5lb cu/ft ACQ or better
- All nails 20d or larger, hot dip galvanized
- All exterior bolt-heads recessed & hot dip galvanized
- All beams bolted w/ hot dip galv. 5/8" bolts w/ washers both sides and square nuts. Outer stringers bolted through pilings
- Owner responsible for scheduling required inspections & closing permits
- Owner assumes all responsibility for any construction related to these plans/permits

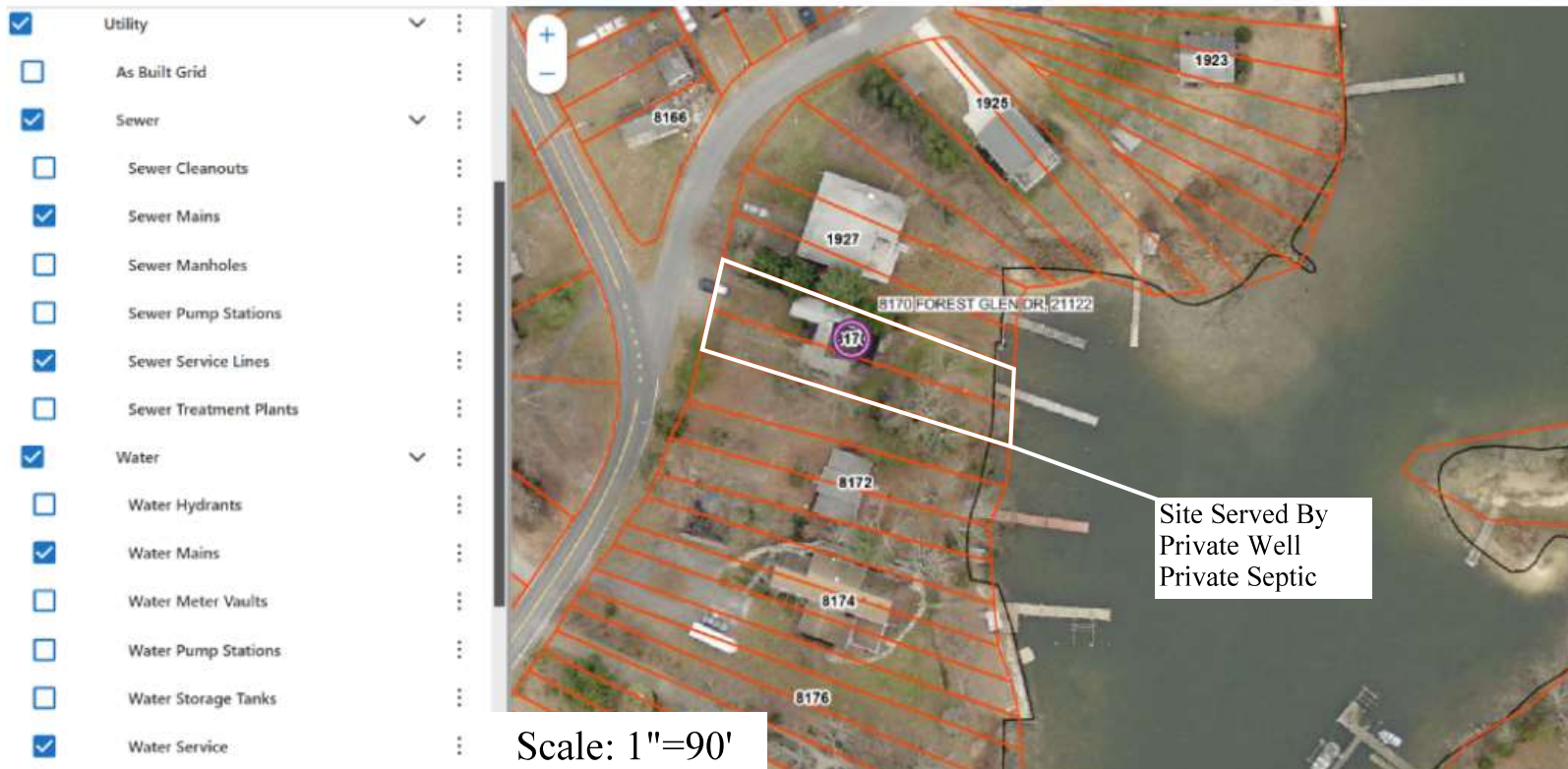
Scale: NTS

NOTE: BAY-FRONT PIERS TYPICALLY ELEVATED AN ADDITIONAL 2 FT+/- TO ACCOMMODATE STORM/WAVE CONDITIONS. NO MINIMUM PILING HEIGHT ABOVE STRINGERS.

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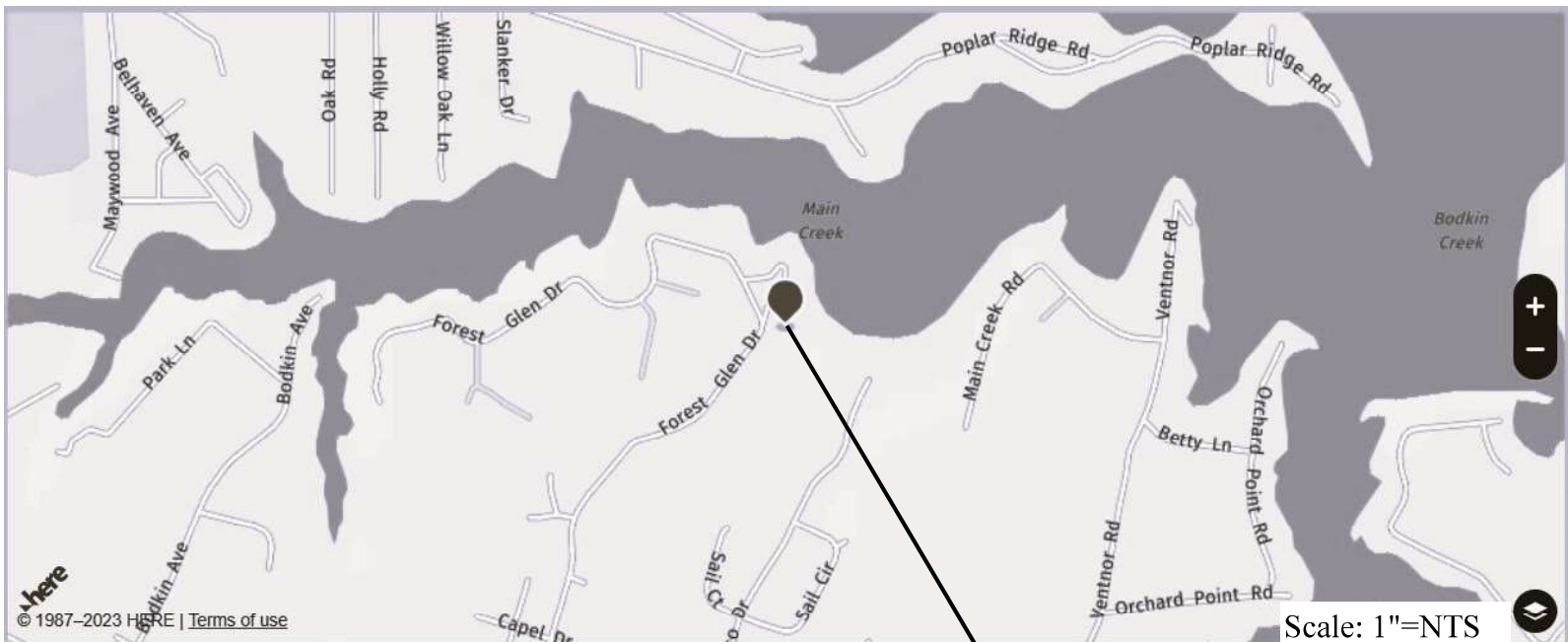
Utilities Map



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Vicinity Map

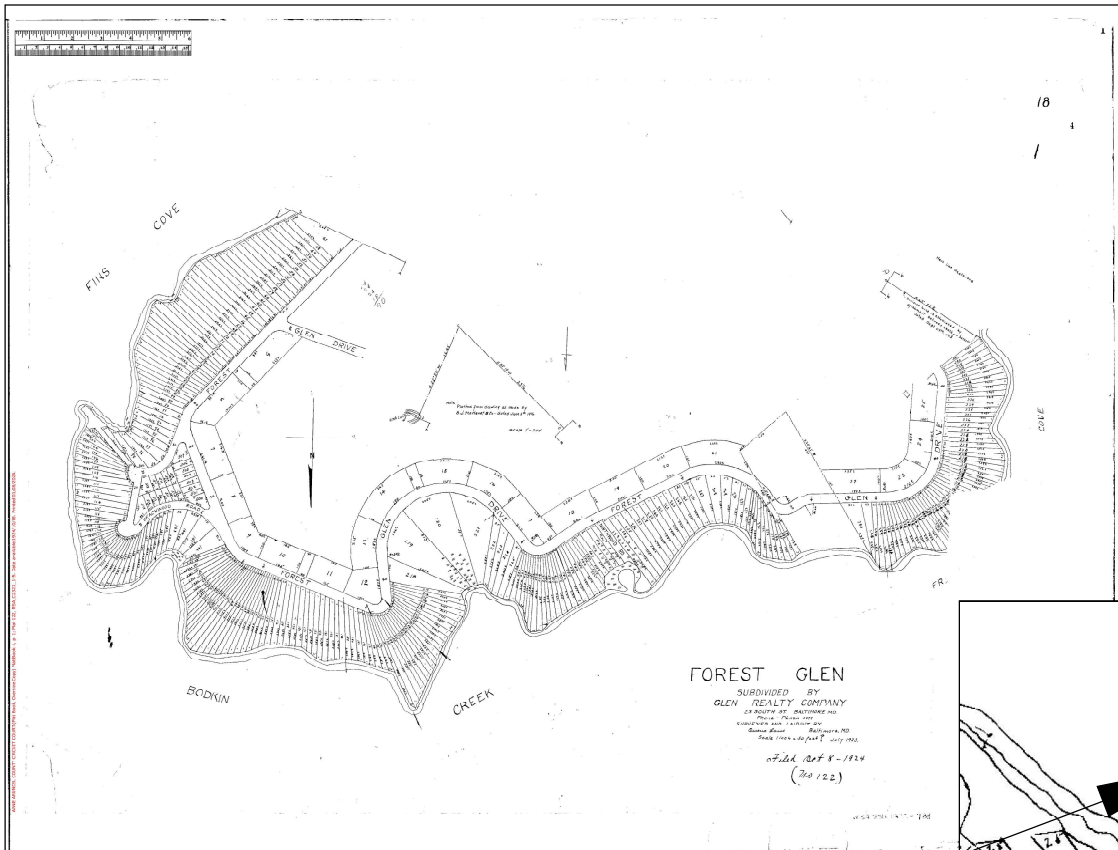


SITE

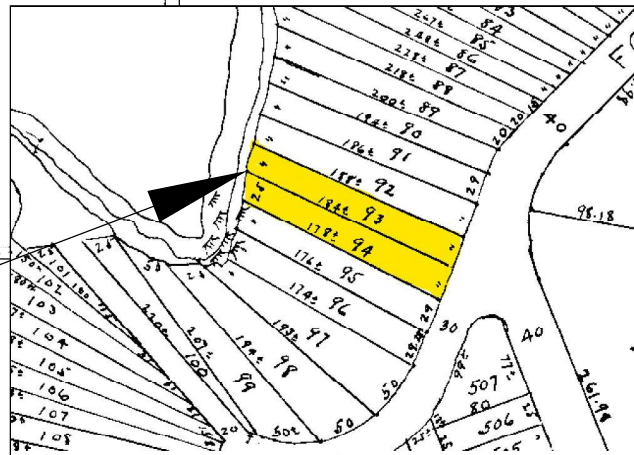
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Plat



SITE



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Anne Arundel County Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Date: December 7, 2023

Client: Milton Craig
Site Address: 8170 Forest Glen Drive, Pasadena, MD 21122
Subject: Letter of Explanation for Variance

To Whom It May Concern:

The homeowner, Milton Craig, is requesting authorization to install two pilings within the northern setback of the property for a boat lift. The homeowner has two boats with only one boat slip currently. A boat lift is required for the homeowner’s second boat to provide protection, security, and maintenance. As the side of the existing pier that does not currently have a boat slip/boat lift runs along the northern setback line, there is no alternative option to avoid requiring a variance to install a new boat lift with its associated pilings. The variance is the minimum variance necessary to allow the homeowner to keep both of their boats on their property.

There is 50 feet of waterfront property in total. The existing pier is approximately 65 feet by 5.5 feet, and there are currently two mooring pilings on the southern side of the pier making up one boat slip. It is important to note that many of the neighboring piers have multiple boat slips and boat lifts allowing for several boats.

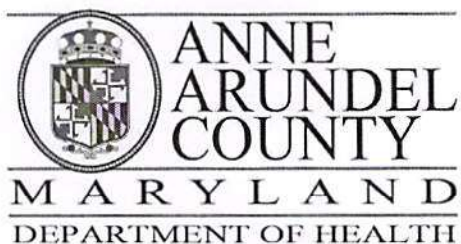
The new pilings will be installed 12.5 feet from the north side of the pier, and they will be installed at approximately 50 feet and 60 feet channelward from the existing bulkhead/MHWL. The boat lift will be 10 feet by 12.5 feet.

If you have any questions, please contact me at 443-883-6598/ upandoutservices@gmail.com.

Sincerely,

Joshua Jacobs
Chief Executive Officer

Homeowner: Milton Craig Signature: Milton Craig



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 *BC*

DATE: December 18, 2023

RE: Craig T. III & Rebeca C. Milton
UP AND OUT LIFT SERVICE
8170 Forest Glen Drive
Pasadena, MD 21122

NUMBER: 2023-0225-V

SUBJECT: Variance/Special Exception/Rezoning

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

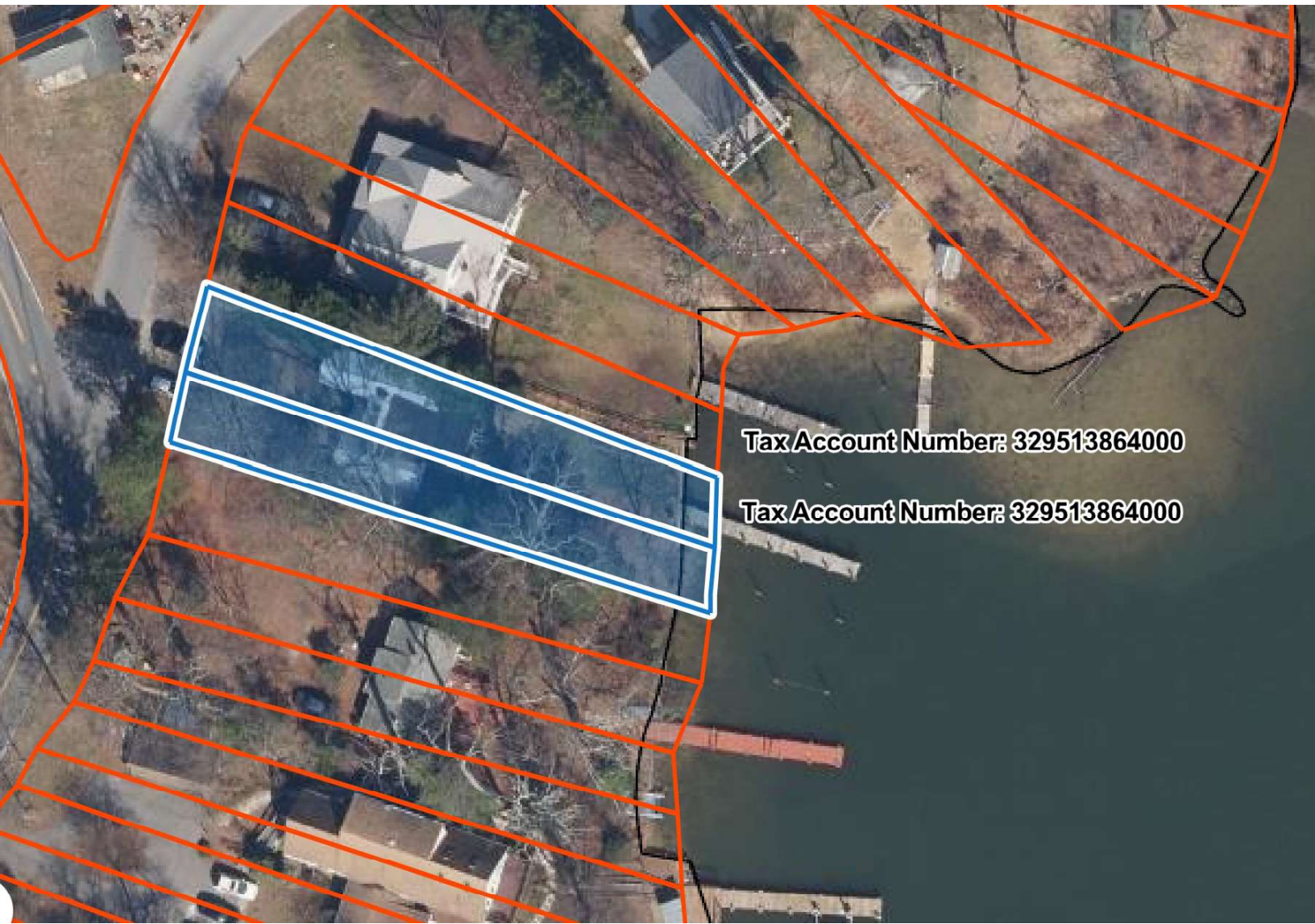
cc: Sterling Seay

2023-0225-V

Menu	Cancel	Help
Task OPZ Critical Area Team	Due Date 01/19/2024	Assigned Date 01/12/2024
Assigned to Department OPZ Critical Area	Assigned to Melanie Mathews	Status Complete w/ Comments
Action by Department OPZ Critical Area	Action By Melanie Mathews	Status Date 01/16/2024
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments The applicant has corrected the scale of the 50' shoreline and associated property line extensions on the site plan. The critical area team has no objection to the proposed variance request.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <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 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		



Tax Account Number: 329513864000

Tax Account Number: 329513864000