

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

APPLICANT: Fullco, LLC

ASSESSMENT DISTRICT: 8th

CASE NUMBER: 2024-0057-V

COUNCIL DISTRICT: 7th

HEARING DATE: June 4, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicant is requesting a variance to allow a pier and pilings with less setbacks than required on property located at 934 Bay Front Avenue in North Beach.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 3,750 square feet of land and is located with 30 feet of frontage on the east side of Bay Front Avenue, approximately 130 feet south of Juniper Avenue. It is identified as Lot 5 of Parcel 8 in Grid 21 on Tax Map 82 in the North Beach Park subdivision.

The property is zoned R2 – Residential District as adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The site abuts community-owned property that fronts the Chesapeake Bay, 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.

PROPOSAL

The applicant proposes to construct a 6' wide by 80' long residential pier with a 10' by 15' platform, a 3' by 10' finger pier, two boat lift pilings, and one mooring piling.

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 proposed main pier would be located 4.5 feet from the south side lot line, necessitating a variance of 11 feet rounded. The proposed platform, finger pier, boat lift pilings, and mooring piling would all be located 4.5 feet from the north side lot line, necessitating a variance of 11 feet rounded for each.

FINDINGS

The subject property is grossly undersized and narrow for the R2 District. More specifically, the 33-foot lot width is significantly narrower than the minimum 80-foot width required, and the 3,750 square foot lot size is only a quarter of the minimum 15,000 square foot area required for new lots served by public sewer in an R2 District. A review of the County 2024 aerial photograph shows that many of the nearby waterfront properties are similarly narrow and contain piers, most of which also have associated platforms, pilings, and/or boat lifts.

The **Development Division (Critical Area Team)** noted that the site plan submitted for this variance request has been reviewed under building permit B02424052. The property line extensions are a direct extension as per Article 18-2-404(b)(2). The proposed pier and platform with boat lift are similar to other piers along this shoreline. The proposed finger pier is an addition that most other piers do not have and could have the potential to interfere with the adjoining neighbors' ability to construct a pier, should they choose to construct one. It appears to be more than the minimum necessary for variance approval. With the exception of the finger pier, the request for variances to install a pier with a platform and boat lift pilings meets the requirements of a Zoning variance as found in Article 18-16-305(a) and (c). It should be noted that this property is a non-riparian waterfront property and requires a signed and recorded Pier Construction Agreement by and between the property owner and the North Beach Park Community Association for approval of the building permit. Absent the finger pier, the Critical Area Team supports variance approval of this project.

The **Health Department** advised that additional information is needed regarding the type and location of the water supply well. No additional comments were provided.

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 30 feet wide at the shoreline, leaving zero buildable water area once setbacks are applied. As such, there is no way to accommodate a pier of any size without a setback variance.

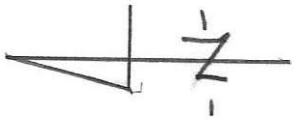
Approval of the variance would not alter the essential character of the neighborhood, as the proposed pier, platform, pilings, and slips would be generally comparable to those of other nearby waterfront properties. However, the variance may impair the appropriate use or development of the adjacent lot to the north. Like the subject lot, that property is also a single lot that contains a dwelling. Current or future owners may eventually wish to construct a pier and associated improvements. The Critical Area Team reviewer has expressed concern over the finger pier interfering with potential future pier construction and use to the north. In order for one to maneuver a boat around the proposed finger pier and into the proposed slip, they would have to encroach into the already limited neighboring water area. This would be fine today because there is no pier, but it may impact a potential future pier to the north. It does not appear that the remaining proposed improvements 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 and the overall neighborhood context, the majority of the requested relief is justifiable. However, given that the northern finger pier is excessive and would provide the applicant a unique privilege that the vast majority of neighbors do not have, the request as proposed cannot be considered the minimum necessary to afford relief.

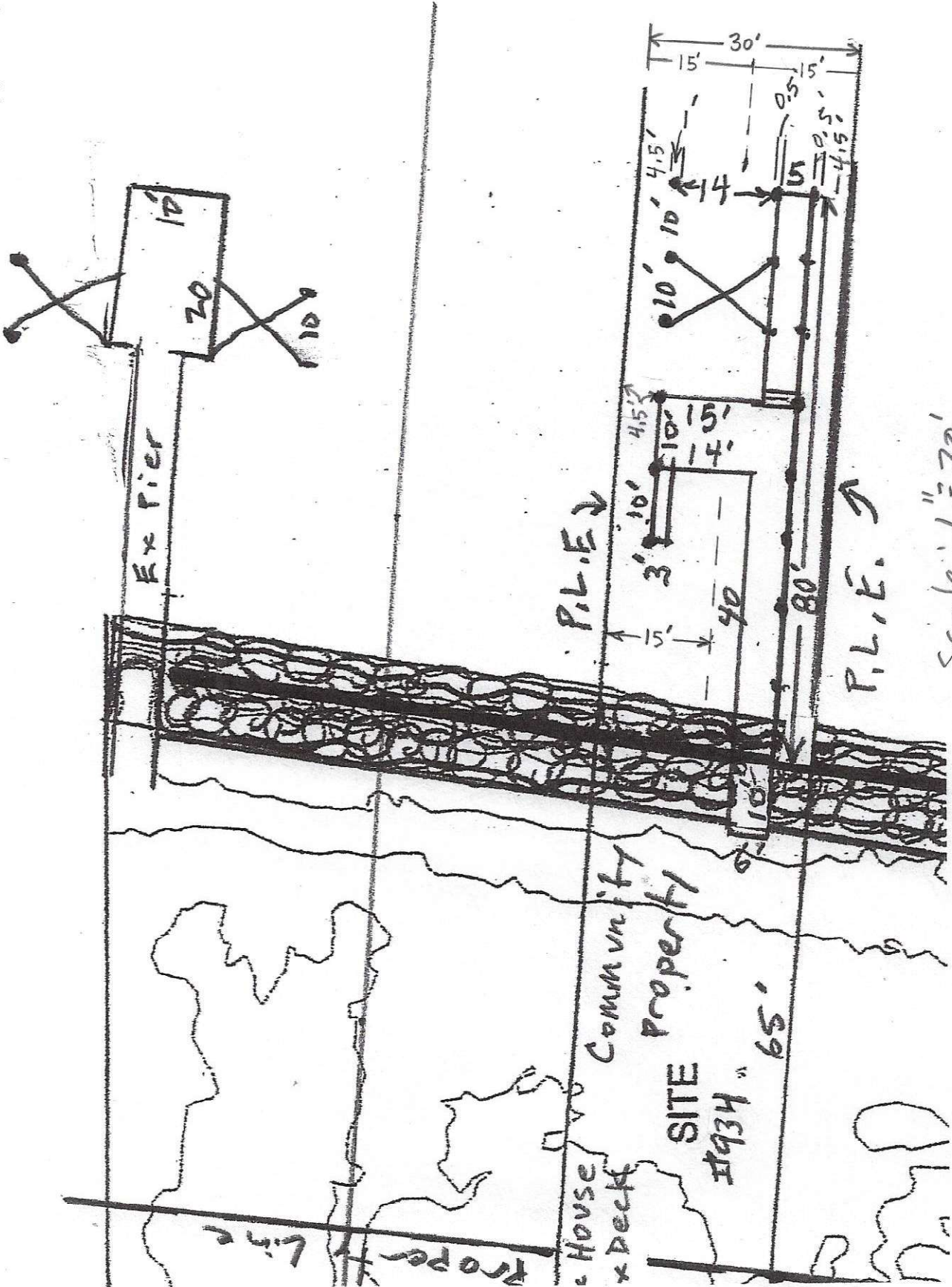
RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***modified approval*** of a zoning variance to § 18-2-404(b) to allow all proposed improvements with the exception of the 3' by 10' finger pier.

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.



$$4.5 + 1 + 14 + 0.5 + 5 + 0.5 + 4.5 = 30'$$



Owner: FULLCO, LLC
 C/O Matt Fullerton
 934 Bay Front Ave
 North Beach, MD 20714

ENLARGED PIER LAYOUT
 934 Bay Front Ave
 North Beach, MD 20714

Proposed: New Pier w/Lift
 County: Anne Arundel
 Waterway: Chesapeake Bay
 Date: 12/13/2023

Scale: 1" = 20'

Pen Mar Environmental Services, LLC

for your environmental permit needs

P.O. Box 6809

Annapolis, MD 21401

Ph. 443.875.3955

2dmusser1@gmail.com

March 14, 2024

Anne Arundel County
Planning and Zoning Division
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: LETTER OF EXPLANATION
FULLCO, LLC Property
c/o Matt Fullerton
934 Bay Front Rd
North Beach, MD 20714

Dear Zoning Analyst,

On behalf of the property owner, Matt Fullerton, I am submitting a variance request for 10.5 feet to the required 15-foot setback of the north Property Line Extended (PLE) and 10.5 feet to the 15-foot setback of the south PLE to allow a proposed NEW pier where none currently exists. The north side of the pier will include 3 mooring piles located 4.5 feet from the PLE and a platform with a catwalk also within 4.5 feet of the PLE. The south side of the pier will be 4.5 feet off of the PLE.

The site is located in southern Anne Arundel County along the shores of the Chesapeake Bay in North Beach, Maryland. It is known as Lot 5, Block 9 in the North Beach Park subdivision which was created in May of 1923. Generally, the waterfront lots in the subdivision are 30 feet wide by 125 feet long, which is the instance in this case. The total lot size is 3,750 square feet, all of which are in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

The proposed pier layout has been used for lots that exhibit a 50-foot width and would not require a variance to be permitted. As mentioned, the subject lot is 30-feet in width and will require a variance for the same pier layout that is frequently used in the neighborhood/subdivision. As shown on the attached Site Plan (scale: 1" = 40"), by locating the 200 sq. ft. platform landward of the proposed boat lift, all improvements are in-line, parallel to the PLE. The owners are also proposing a 5 wide pier extension alongside the 14-foot wide boat lift.

Conditions on the Chesapeake Bay are different than in the Anne Arundel County rivers and coves. While it is understood that the minimal relief is afforded, in this instance stability is of the utmost consideration. According to local, Licensed Maryland Marine Contractors, the substrate below MHW in this area is in-penetrable without specific drilling equipment. In order to better support a boat lift which is needed in the rougher waters of the Chesapeake Bay, and due to the tighter substrate, it is preferred to allow the pier to be the maximum 6' width for additional support and the extension reduced to 5' wide, as opposed to a lesser width. Therefore, this is believed to be the minimal relief necessary and still afford the needed stability and consistency with neighboring piers.

Fullerton Variance

3-14-2024

Page Two


The variances are being requested to provide the owner not only with an opportunity to better secure his boat, but to also elevate it out of the water with a boat lift. The Maryland Department of the Environment Tidal Wetlands Division has previously stated they prefer to have the boat on a lift, out of the water. In regard to the "character of the neighborhood", we offer that of the 25 existing piers along the Bay, from 872 Bay Front Avenue to 1008 Bay Front Avenue, 19 have a platform and minimally one boat lift/piles (76%) while 4 have platforms only with no lift/piles (16%). One pier has 2 lifts and no platform (4%), while one property had only a short pier with no pilings (4%). This is shown on the attached Boat Lifts Photos and indicates that the request for a pier with boat lift is not out of character with the riparian neighborhood.

This proposed Variance request is similar to Case Number 2021-0122-V for Kevin A. Zerrusen at 1057 Bay Front Avenue. In that Case the waterfrontage was 33 feet and Variances were granted for 11 feet and 9 feet to the PLE's. Construction was as close as 6 feet to the north PLE for a pier and platform and as close as 4 feet to the south PLE for 3 mooring piles. A copy of that project's approved plan is attached for reference.

The Project as proposed, will not impair the use of adjacent properties. This proposed pier configuration is centrally located within the PLE's and was developed with full consideration to both of the adjacent property owners along Bay Front Avenue where there are currently no piers; and their ability to construct a pier in the future. The Project, as proposed, will not reduce forest cover in a LDA or RCA Critical Area or be contrary to acceptable clearing or replanting policies, nor will it be detrimental to the environment.

Given the hardship of the narrow nature of the 30' wide lot at the water's edge, and the high percentage of existing piers with lifts and/or mooring piles, it is believed this is a minimal request and is not out of character with this waterfront neighborhood. It does not provide for any special privileges to the owner beyond what the surrounding properties with piers currently have. The owner has also worked with industry professionals to research the location and layout of the proposed pier. Please review the attached plans and call me at 443.875.3955 if you have any questions or need any additional information.

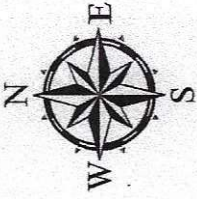
Sincerely,



Doug Musser
Environmental Consultant
FPO#11373

CC: Matt Fullerton, Owner

Attachments



Features

Paper Map DISCLAIMER: By acceptance of this map material, you agree as follows: This map material (the "material") is made available by Anne Arundel County, Maryland (the "County") as a public service.

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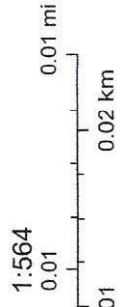
Vicinity Map - 934 Bay Front Ave

Aerial Photo - 934 Bay Front Ave



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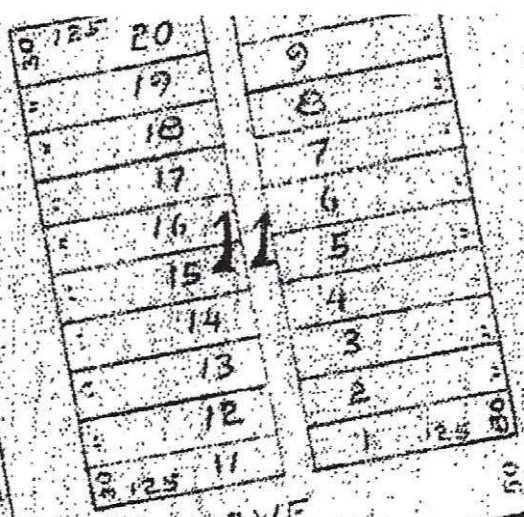
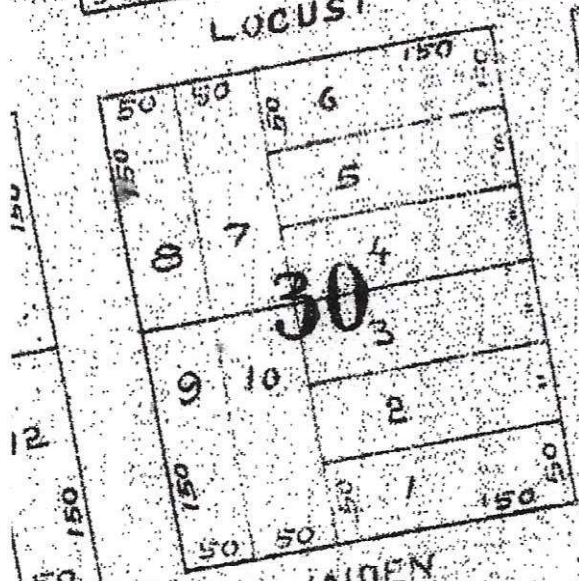
- Local Road Label
- County Boundary
- Orthophoto 2021
- Red: Red
- Blue: Blue
- Structure Address
- Parcels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataslyreisen, Rijkswaterstaat, GSA, Geoland, FEMA,

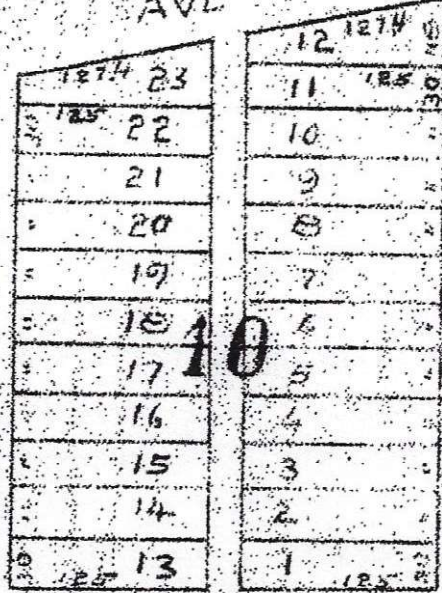
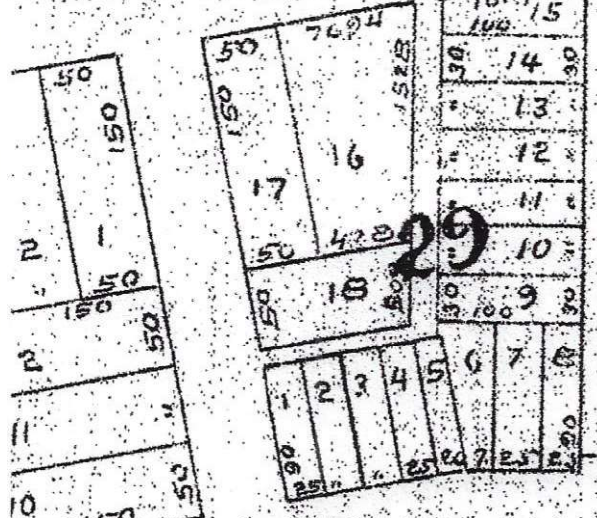
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LOCUST

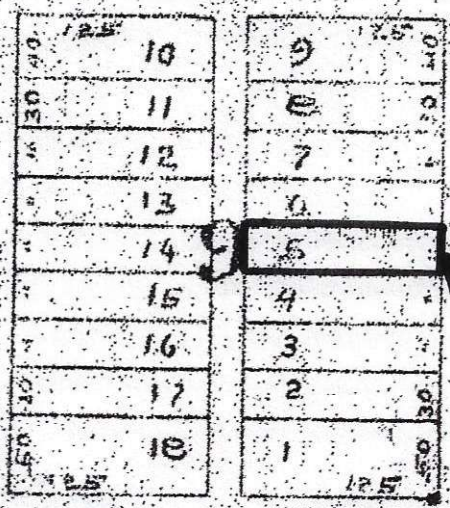
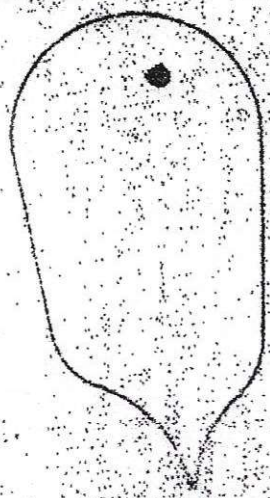
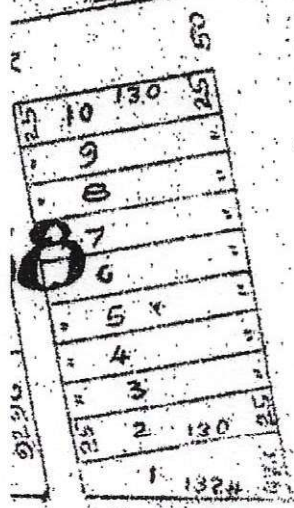


AVE

LINDEN



AVE



AVE

Community Property

Property Owner:
 Matt Fullerton
 934 Bay Front Ave
 North Beach, NID 22114
 CHESAPEAKE

Anne Arundel County Critical Area Map

Legend

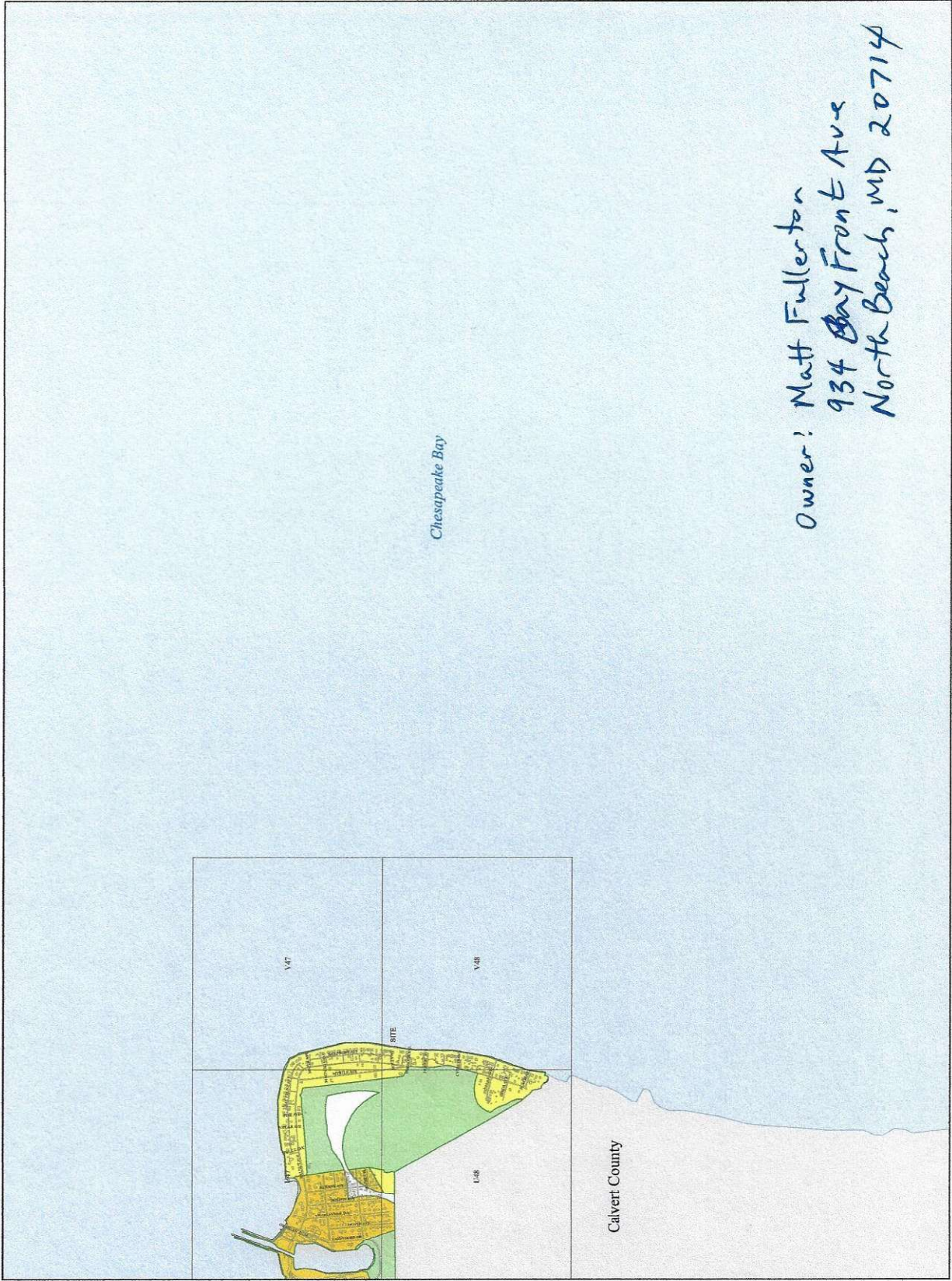
- Road Edge
- Building Foot Print
- Water
- Critical Areas**
- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intense/Developed Area



Sheet No. 35



Map Scale: 1" = 1000'

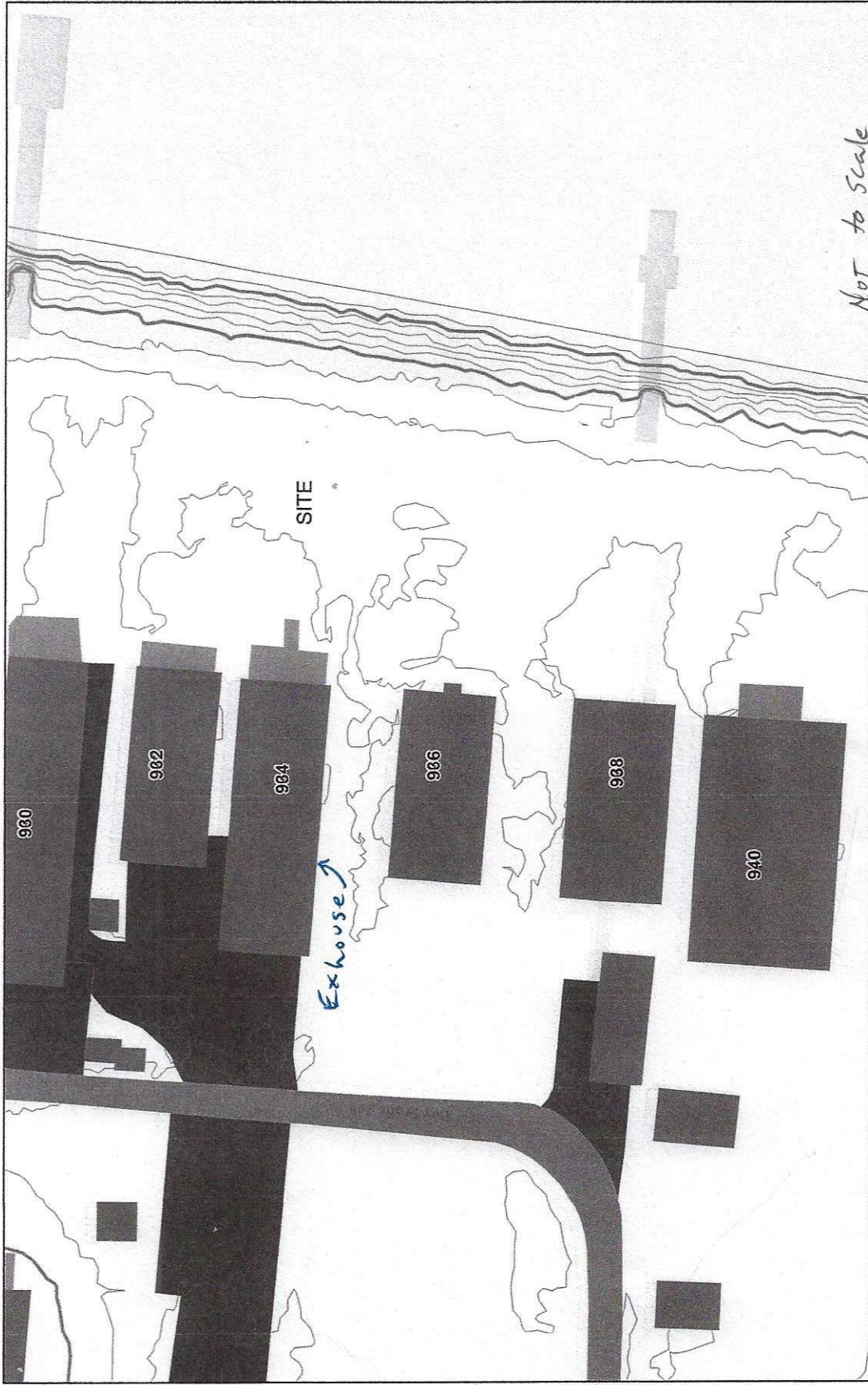


Owner: Matt Fullerton
934 Bay Front Ave
North Beach, MD 20714

Plan: June 24, 2017
File: ASSESSMENT\GIS\Map Documents\Other\Critical Area Map\PublicSheet1.pdf
Map Producer: Office of Environmental and Planning Services
© 2017 Anne Arundel County, MD
*Digital formats available in ESRI shapefile, mxd through the Office of Planning and Zoning

Existing Conditions Site Plan - 934 Bay Front Road

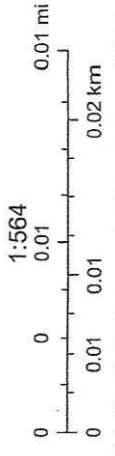
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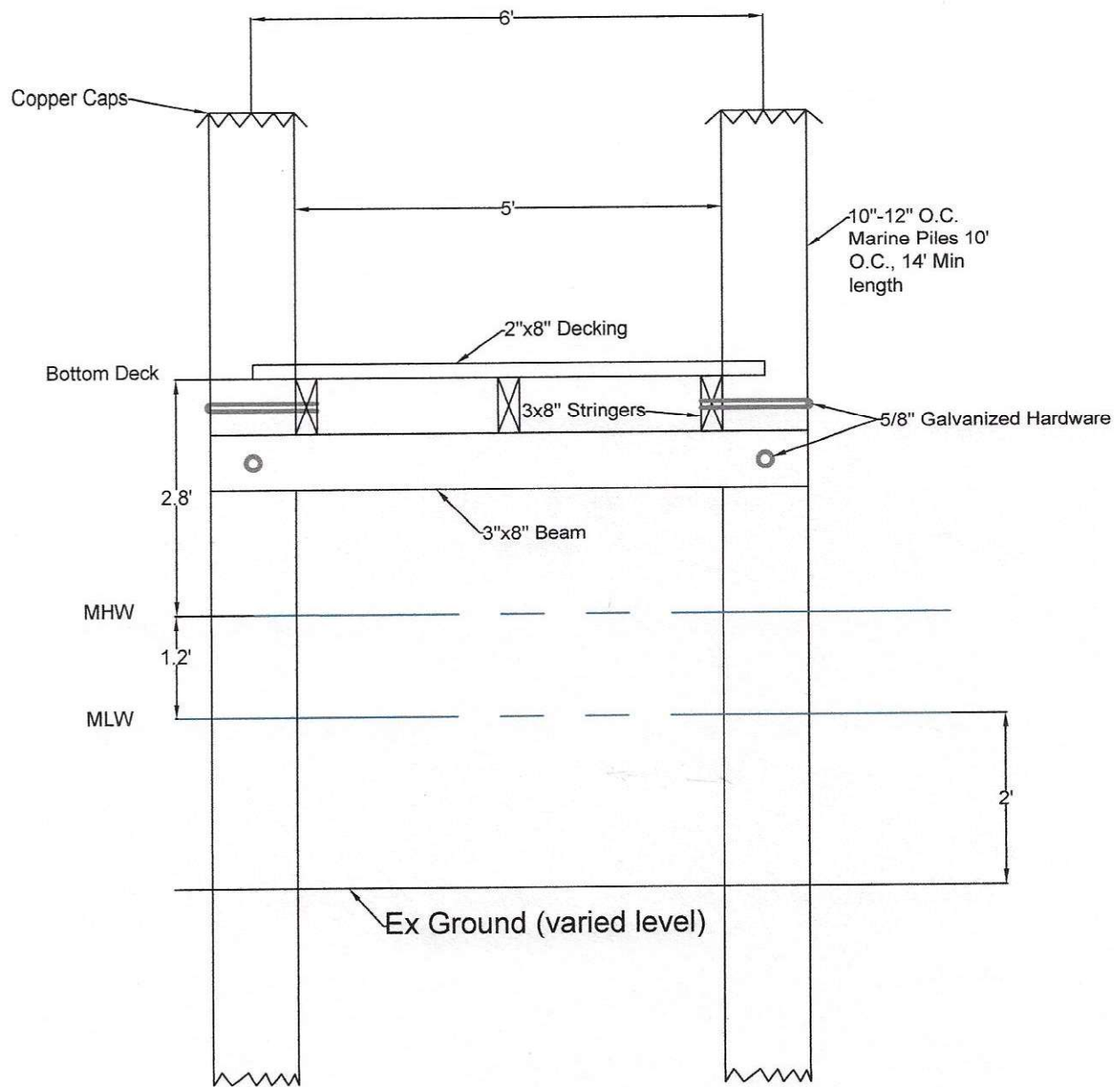
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- Structure Address
- Intermediate
- Topography 2017 - 1ft contours
- Impervious Surfaces 2020
- Index
- DECK
- DRIVEWAY
- BUILDING
- PATIO
- PIER
- ROAD
- SIDEWALK



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijkswaterstaat, GSA, Geoland, FEMA,

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SCALE 1"=2'

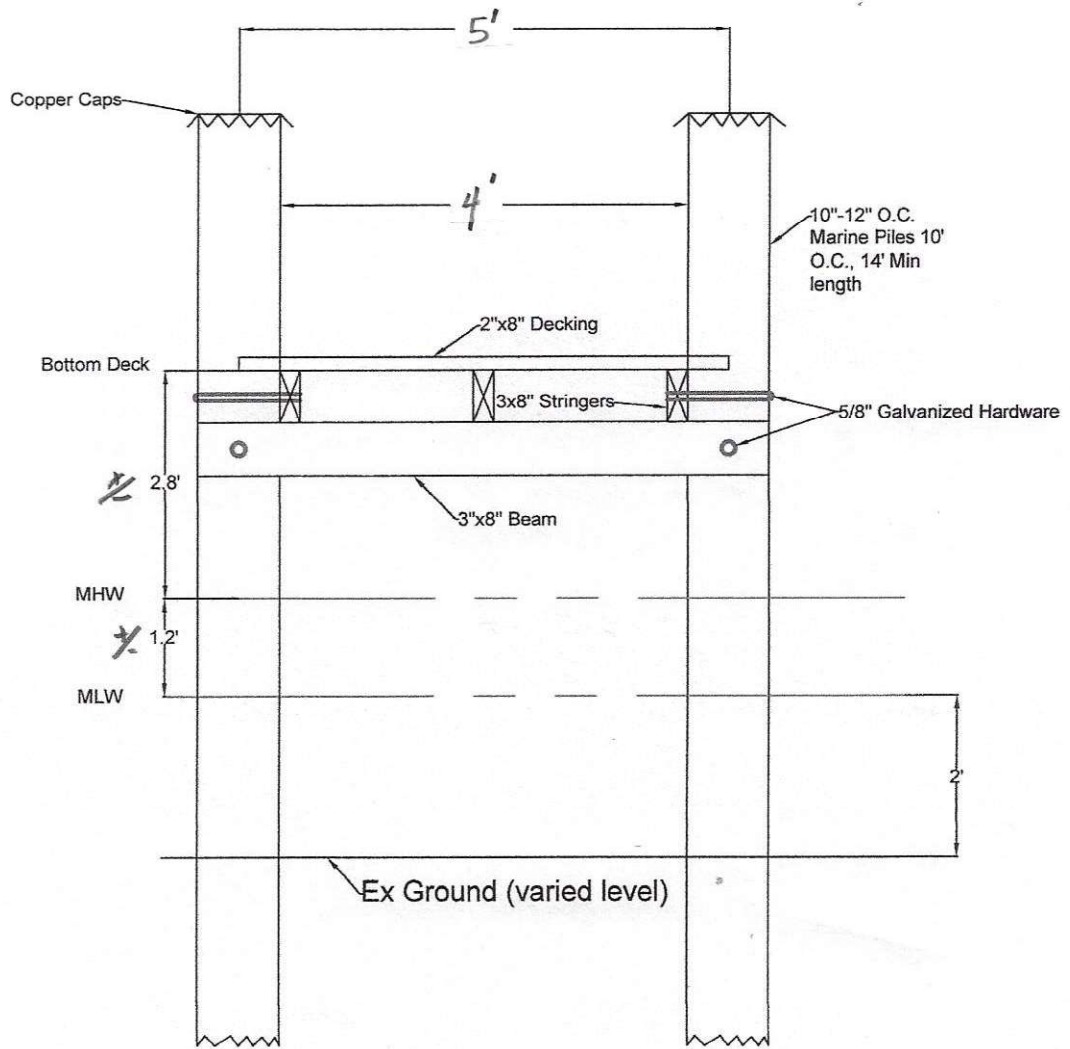
6' Pier Cross Section

934 Bay Front Ave
North Beach, Maryland

Proposed: New Pier with Lift
County: Anne Arundel
Waterway: Chesapeake Bay
Date: 12/13/2023

Owner: FULLCO, LLC
934 Bay Front Ave
North Beach, MD 20714

Fig__ of __



SCALE 1"=2'

Proposed: New Pier with Lift
 County: Anne Arundel
 Waterway: Chesapeake Bay
 Date: 12/13/2023

5' Pier Cross Section

934 Bay Front Ave
 North Beach, Maryland

Owner: FULLCO, LLC
 934 Bay Front Ave
 North Beach, MD 20714
 Fig__ of __

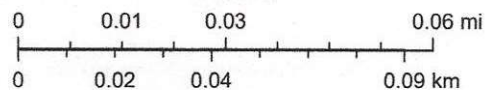
Boat Lifts 872-934 Bay Front Ave



3/14/2024, 9:19:52 AM

1:2,257

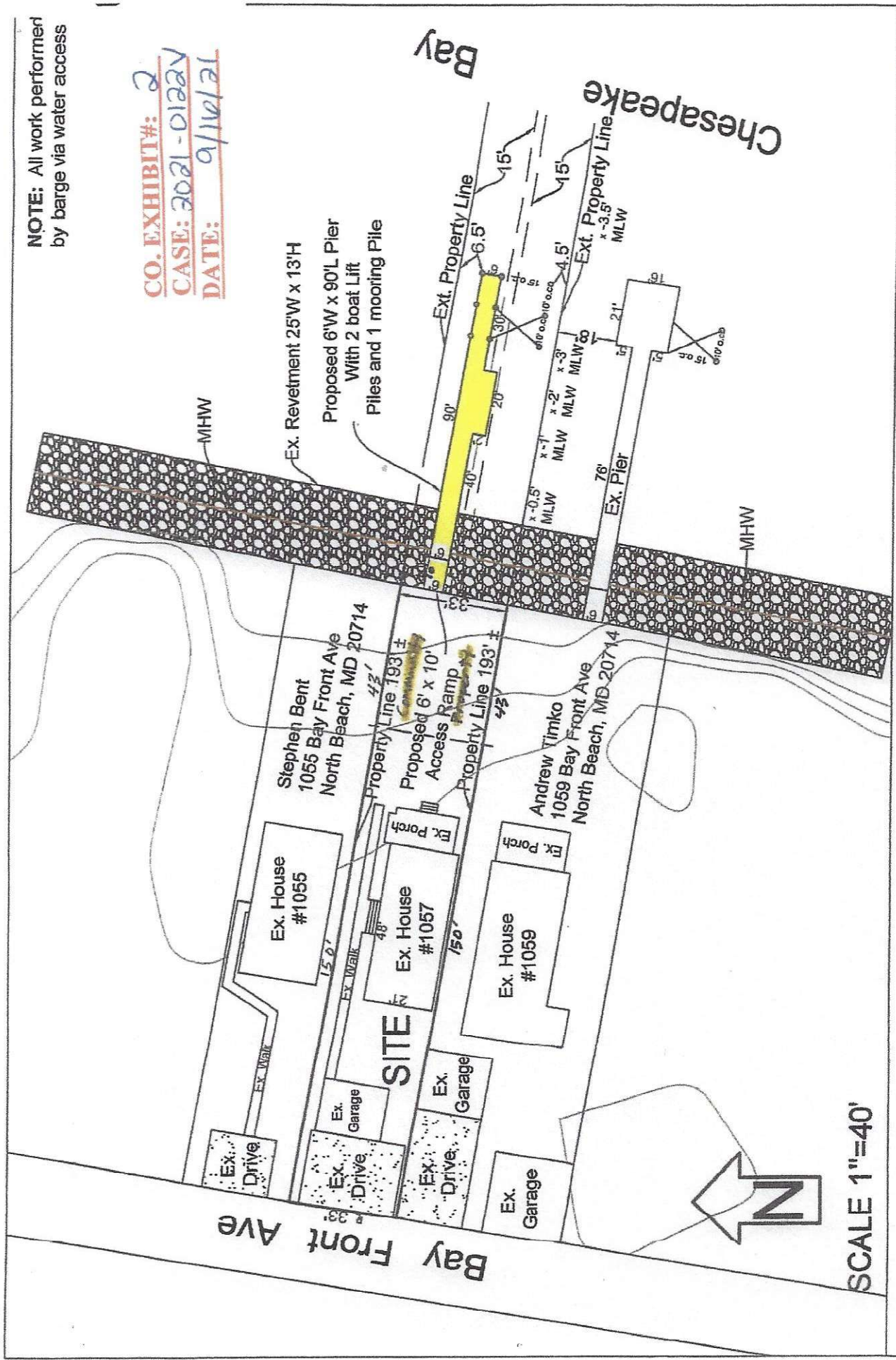
- State Road Label ■ Green: Green
- Local Road Label ■ Blue: Blue
- County Boundary ○ Structure Address
- Orthophoto 2023 Parcels
- Red: Red



Esri Community Maps Contributors, Calvert County, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MFTI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA,

NOTE: All work performed by barge via water access

CO. EXHIBIT#: 2
CASE: 2021-0122
DATE: 9/16/21



PROPOSED CONDITIONS SITE PLAN

Proposed: New Pier
 County: Anne Arundel
 Waterway: Chesapeake Bay
 Date: 01/12/2020 Rev: 12/17/2020 Rev: 2/14/2021 Rev: 6/15/2021

Owner: Kevin Zerrusen
 1057 Bay Front Ave
 North Beach, MD 20714

File of

2024-0057-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
04/11/2024
Assigned to
Melanie Mathews
Action By
Melanie Mathews
End Time

Assigned Date
03/26/2024
Status
Complete w/ Comments
Status Date
04/05/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
The site plan submitted for this variance request has been reviewed under building permit B02424052. The property line extensions are a direct extension as per Article 18-2-404(b)(2). The proposed pier and platform with boat lift are similar to other piers along this shoreline. The proposed finger pier is an addition that most other piers do not have and could have the potential to interfere with the adjoining neighbors' ability to construct a pier, should they choose to construct one, and appears to be more than the minimum necessary for variance approval.

With the exception of the finger pier, the request for variances to install a pier with a platform and boat lift pilings meets the requirements of a Zoning variance as found in Article 18-16-305(a) and (c).

It should be noted that this property is a non-riparian waterfront property and requires a signed and recorded Pier Construction Agreement by and between the property owner and the North Beach Park Community Association for approval of the building permit.

The critical area section of the Office of Planning and Zoning supports variance approval of this project based on the comments provided.

Time Tracking Start Date
Display E-mail Address in ACA
No

Est. Completion Date
 Display Comment in ACA

In Possession Time (hrs)
Comment Display in ACA

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

Estimated Hours
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Action
Updated

Workflow Calendar

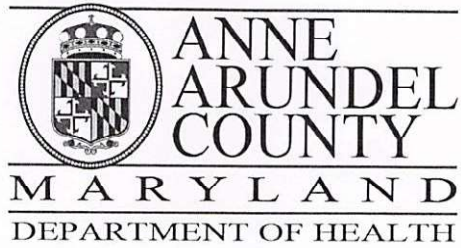
Task Specific Information

Expiration Date

Review Notes
RQRS PCA; HAS STRONG IMPACT ON ADJOINING NEIGHBOR
Reviewer Email
PZMATH20@aacounty.org

Reviewer Name
MELANIE MATHEWS

Reviewer Phone Number
410-222-6136



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
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
Sanitary Engineering Program

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: April 2, 2024

CASE
NUMBER: 2024-0057-V
FULLCO, LLC.
934 Bay Front Ave.
North Beach, MD 20714

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow a pier and mooring pilings with less setbacks than required. The Health Department offers the following comments:

Based on a review of the above referenced request, additional information is needed by the Health Department on the type and location of the water supply well.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

A small, handwritten mark in red ink, resembling a stylized "1" or a checkmark, located at the bottom of the page.



Tax Account Number: 857901449400

078

7080

919

916

920

916

918

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922

JUNIPER AVE

924

926

926

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934

Tax Account Number: 857901449400

936

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938

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HOLLY ST

942

944

7098

948A

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948B

