

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

APPLICANT: William & Carol Durr

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0104-V

COUNCIL DISTRICT: 3

HEARING DATE: August 8, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is seeking a variance to allow boat lift pilings with less setbacks than required on property located at 208 Beachwood Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 48,507 square feet of land and is located with approximately 190 feet of frontage on the west side of Beachwood Road. It is identified as Lots 50 and 51 of Parcel 101 in Grid 9 on Tax Map 24 in the Beachwood Forest 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. This waterfront lot on the Magothy River lies entirely within the Chesapeake Bay Critical Area LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a two-story dwelling, a residential pier with a platform, and associated facilities.

PROPOSAL

The applicant proposes to install mooring pilings for boat lifts on the north and south sides of the existing 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.

- On the south side of the existing pier, the proposed outer mooring piling will be as close as zero (0) feet to the southern side lot line extended, necessitating a variance of fifteen (15) feet.
- On the south side of the existing pier, the proposed inner mooring piling will be as close as two (2) feet to the southern side lot line extended, necessitating a variance of thirteen (13) feet.

FINDINGS

The subject property is oversized 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 County aerial photography shows that the nearby waterfront lots contain piers, boat lifts and other associated improvements.

Building permit, B02426848, for the installation of eight (8) poles for boat lifts, was submitted on May 31, 2024. Variance approval must be obtained prior to the permit being issued.

The applicant's letter explains that due to the neighboring piers both angling towards the subject pier the buildable area is severely reduced, and that their boat is too wide and long to be placed in the slip on the northern side of the pier. The applicants believe that the addition of the boat lifts/slips does not change the character of the Beachwood Forest Subdivision as numerous residents have multiple boat lifts/slips.

Agency Comments

The **Development Division (Critical Area Team)** notes that the request for two boat lifts does not meet the minimum necessary to afford relief requirement.¹

The **Health Department** has no objection.

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. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, the shoreline curves, with the adjacent piers angling towards the subject pier. However, the applicants currently have reasonable use of their waterfront property with an existing pier and platform where a boat may be docked. In fact, their site plan shows that there is enough water area on the north side of the existing pier to accommodate the applicants' proposed mooring pilings for a boat lift while complying with the Code. The applicants' desire to install mooring pilings for a second boat lift on the south side of the pier which encroach into the southern setback is a self-inflicted hardship created by purchasing a boat larger than what their pier will accommodate. Therefore, because the applicants will be able to install a boat lift on the northern side of the pier, the requested variance for a second boat lift on the southern side cannot be considered the minimum necessary to afford relief.

Because most of the nearby piers have only one boat lift, the granting of the variances may alter the essential character of the neighborhood or district in which the lot is located, but would not substantially impair the appropriate use or development of adjacent property, nor would it be

¹ Refer to the OPZ Critical Area Team's comments for their detailed opposition.

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 *denial* of the requested variances to § 18-2-404 to allow boat lift pilings (2) 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.

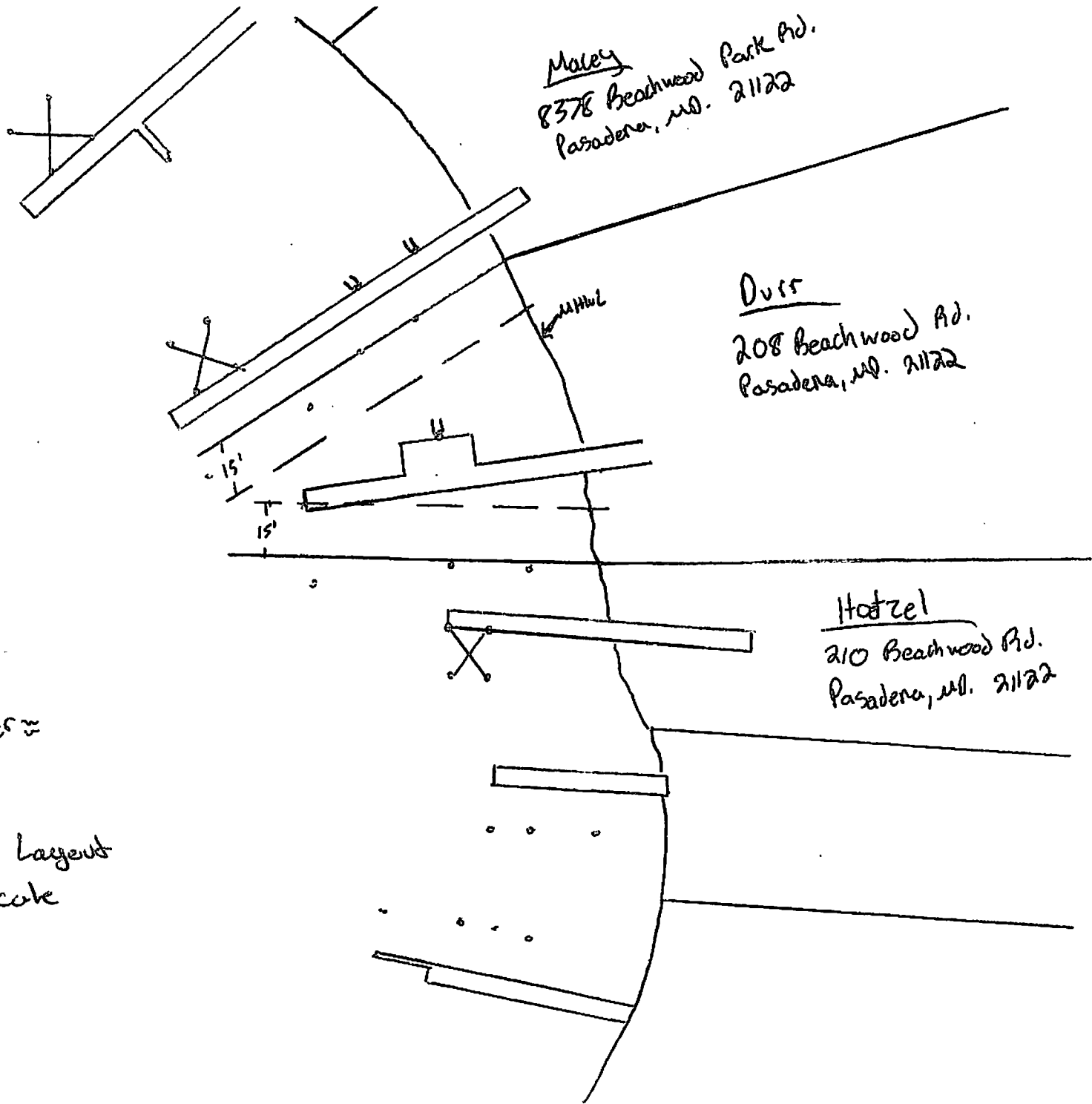
Maley
8378 Beachwood Park Rd.
Pasadena, MD. 21122

Durr
208 Beachwood Ad.
Pasadena, MD. 21122

Hatzel
210 Beachwood Rd.
Pasadena, MD. 21122

≈ Maggoty River ≈

Existing Layout
1:40 Scale



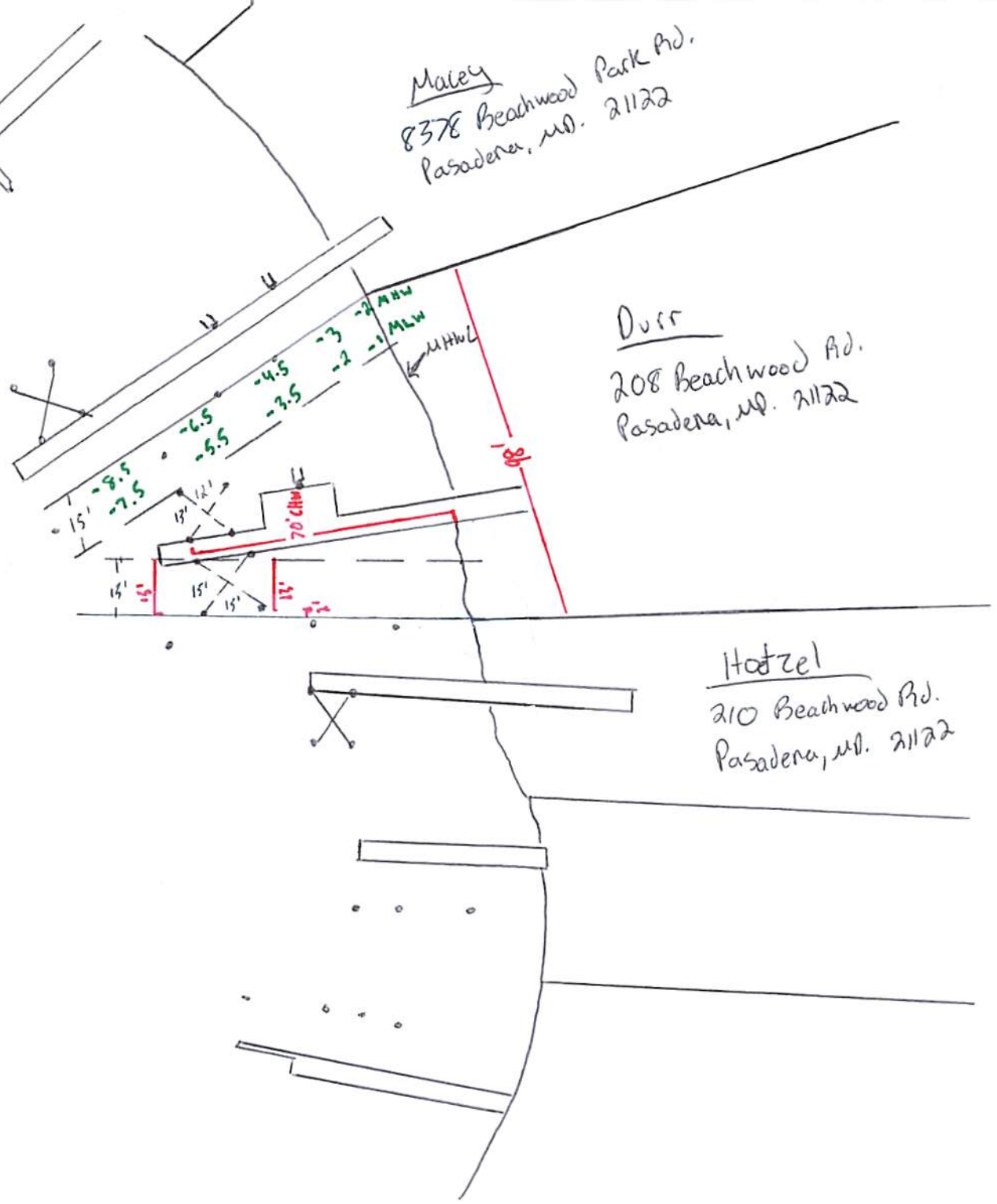
Maley
8378 Beachwood Park Rd.
Pasadena, MO. 21122

Durr
208 Beachwood Ad.
Pasadena, MO. 21122

Hotzel
210 Beachwood Rd.
Pasadena, MO. 21122

Magothy River

Proposed Layout
1:40 Scale



Letter of Explanation

208 Beachwood Rd. Pasadena, MD. 21122

William Durr

Proposed Work

We are seeking a variance for a 15'w x 15'l boat lift and the associated poles with less setbacks than required. Two of the four poles required will be in the setback. One pole 15' into the setback or 0' off the southern extended property line and one pole 13' into the setback or 2' off the southern extended property line. All work a max of 70' channel ward of the mean high-water line.

Hardship

Mr. Durr's Property has a waterfront footage of 98'. Normally that would be plenty of waterfront footage to accommodate a 6'w pier and a 15'w boat lift. This is not the case for Mr. Durr's property. Due to the neighboring piers both angling towards Mr. Durr's pier this severely reduces the buildable area once the northern and southern extended property lines with the 15' setbacks are drawn. The boat Mr. Durr will be looking to lift in the 15' x 15' slip requires a minimum width of 15' for the lift to function safely, the boat is too wide and long to be placed in the non-variance required slip on the northern side of the pier. The addition of the boat lifts/slips does not change the character of the Beachwood Forest Subdivision as numerous residents have multiple boat lifts/slips.

Thank you,

Tim Glaser

Please contact Tim Glaser with any questions or information

tim@magnumlift.com

1-800-268-5911

1901 Betson Ct.

Odenton, MD. 21113



- SEE GRIDS A1, B1, C1
- 1 GOLDEN CROWN WAY
 - 2 WHELFIELD CT
 - 3 OLD COACH CT
 - 4 BELL TOWER CROSSING
 - 5 SILVERADO CT
 - 6 SHOWCASE CT
 - 7 CRIMSON CT

- SEE GRID K10
- 1 MEADOW HEIGHTS LA
 - 2 SPRINGS CT
 - 3 IMPERIAL RD

208 Beachwood Rd.
Pasadena, Md. 21122

Joins Map 5175

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9



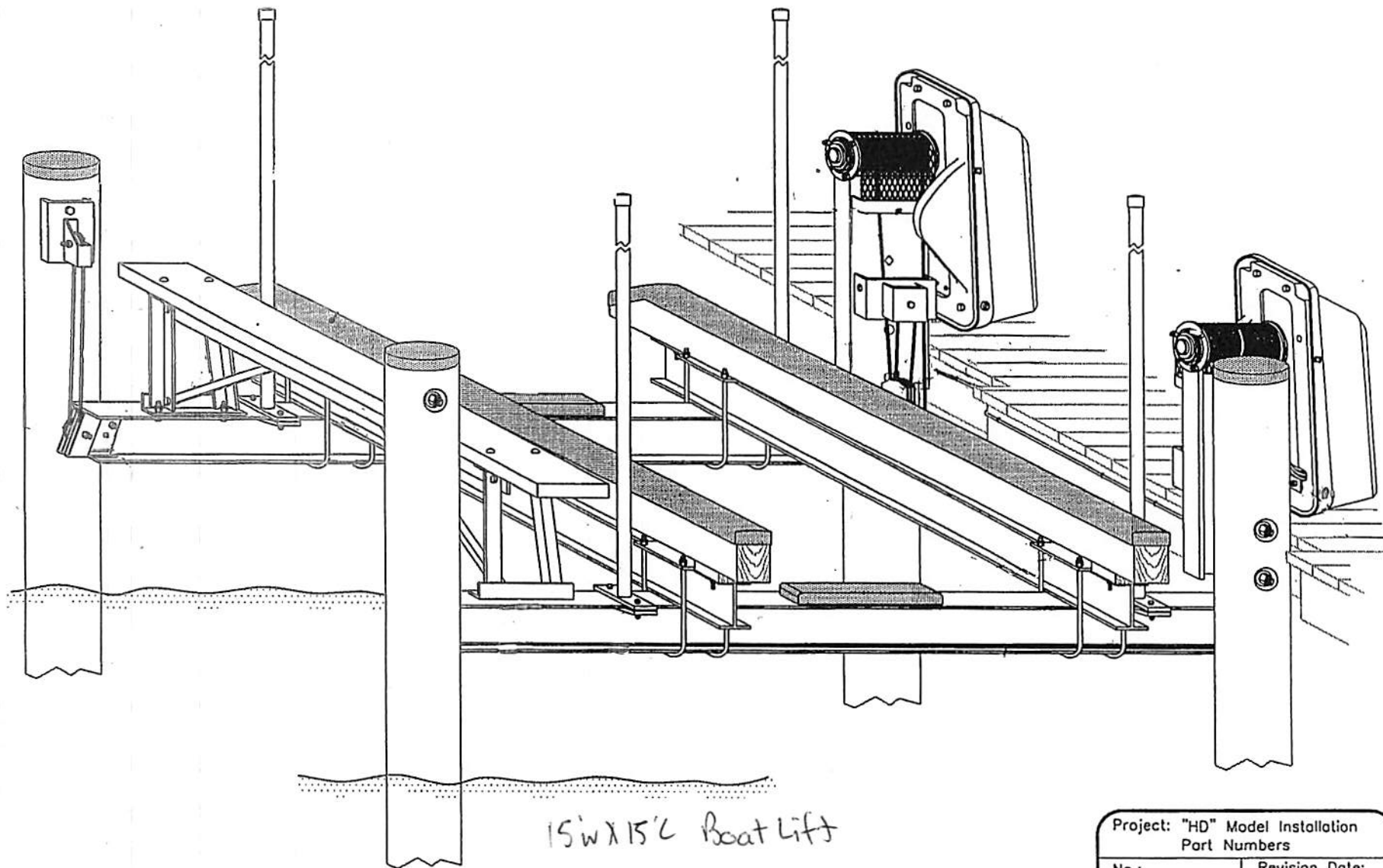
Will be beachwood Rd.

Magothy River Tributary

212

GENERAL NOTES:

1. FOR LIST OF MATERIALS RELATED TO PART NUMBERS, SEE PARTS LIST.

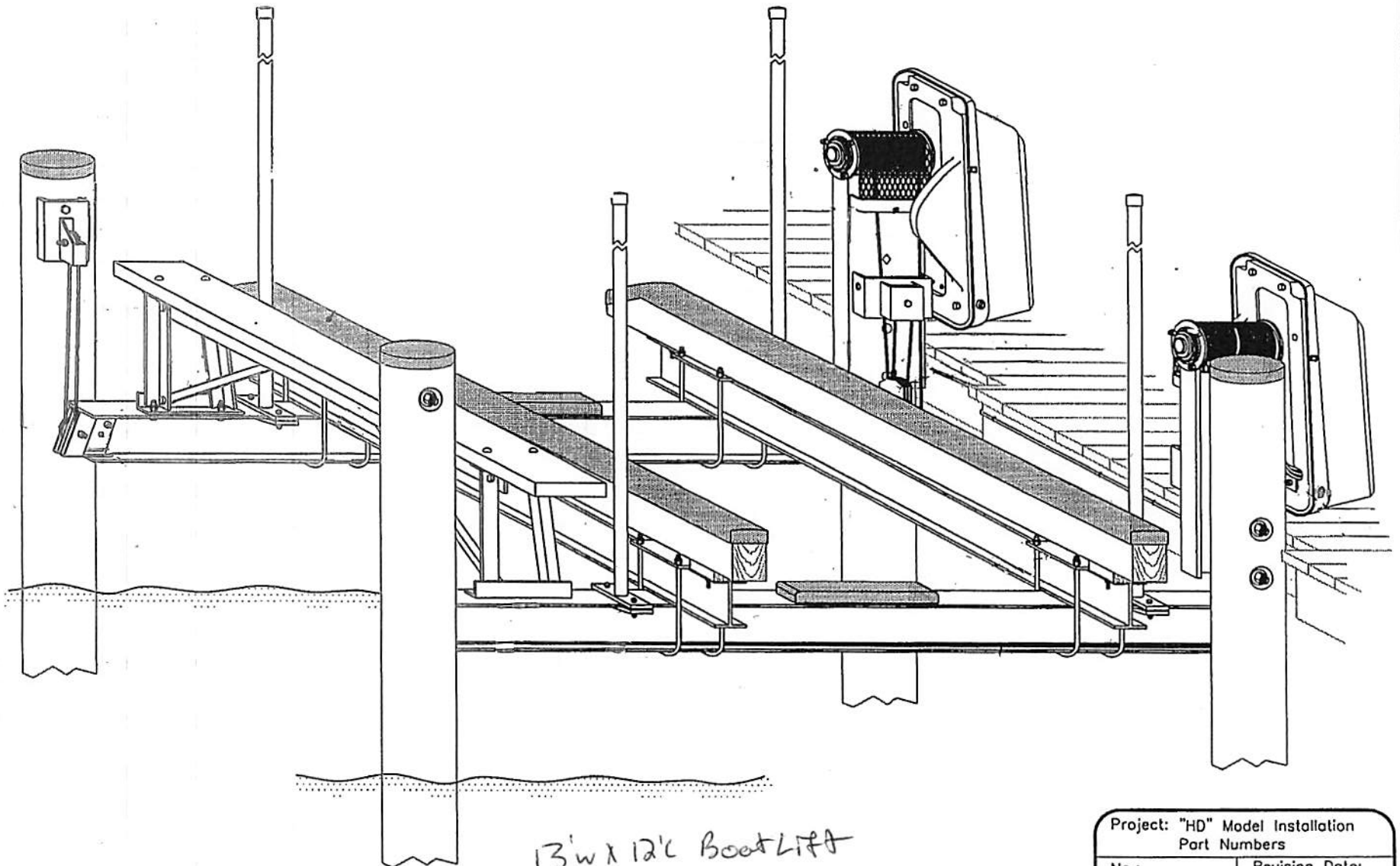


15'w x 15'c Boat Lift

Project: "HD" Model Installation Part Numbers		
No.: 002	Revision Date:	
Scale: None	Date: 02-22-01	Sheet: 1 of 1

GENERAL NOTES:

1. FOR LIST OF MATERIALS RELATED TO PART NUMBERS, SEE PARTS LIST.



Project: "HD" Model Installation		
Part Numbers		
No.:	Revision Date:	
002		
Scale:	Date:	Sheet:
None	02-22-01	1 of 1

2024-0104-V

Menu Cancel Help

Task Details **OPZ Critical Area Team**

Assigned Date

06/03/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The site plan submitted was reviewed under building permit B02426848. The PLEs are drawn correctly as generally parallel to the adjoining piers. The request for two boatlifts does not meet the minimum necessary requirement of Article 18-16-305(C)(1). Aerial photos of this shoreline demonstrate most piers having one boat slip pier. The critical area section of the Office of Planning and Zoning recommends that one single boat lift and associated pilings be approved under a variance allowing boat lift pilings within the setbacks of the North side of the pier.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

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

Due Date

06/21/2024

Assigned to Department

OPZ Critical Area

Status Date

06/18/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Alerts

Display Comments

Task Specific Information

Expiration Date

Reviewer Phone Number

410-222-6136

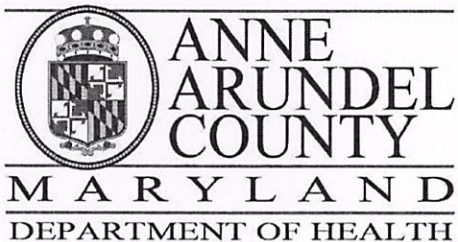
Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

MELANIE MATHEWS




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: June 10, 2024

RE: William Durr
208 Beachwood Road
Pasadena, MD 21122

NUMBER: 2024-0104-V

SUBJECT: Variance/Special Exception/Rezoning

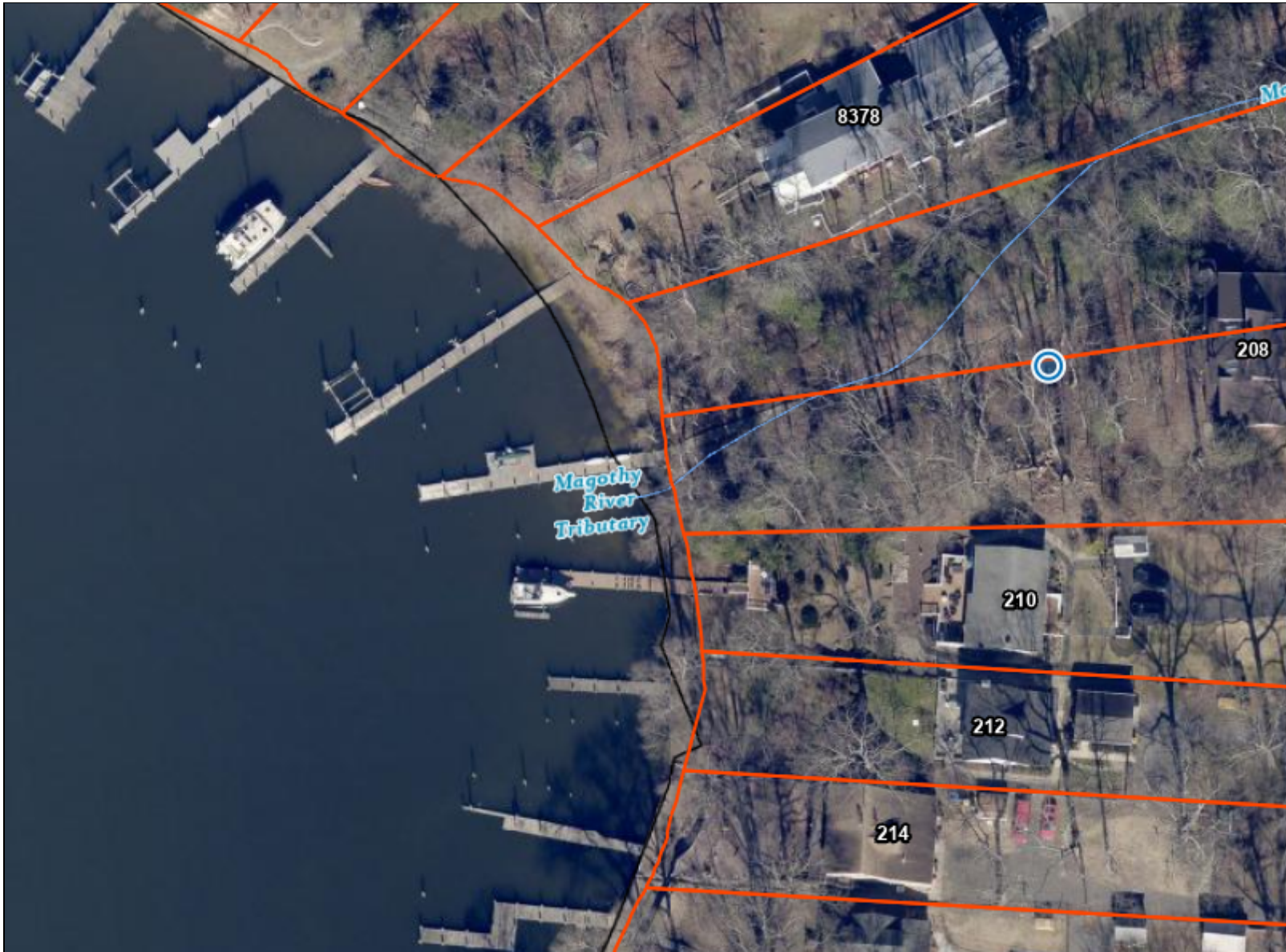
The Health Department has reviewed the above referenced variance to allow boat lift pilings with less setbacks than required.

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

208 Beachwood Road (2024-0104-V)



Legend

Foundation

Addressing



Parcels



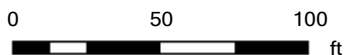
Parcels - Annapolis City



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none

Notes



THIS MAP IS NOT TO BE USED FOR NAVIGATION