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

APPLICANT: Edmund Broderick **ASSESSMENT DISTRICT: 3rd**

CASE NUMBER: 2024-0145-V **COUNCILMANIC DISTRICT: 3rd**

PREPARED BY: Donnie Dyott Jr. Planner **HEARING DATE**: October 22, 2024

REQUEST

The applicant is requesting a variance to allow a pier and pilings with less setbacks than required on property located at 1831 Cremen Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The site consists of approximately 10,400 square feet of land and is identified as Lot 14 of Parcel 3 in Block 13 on Tax Map 12 in the Rockwood subdivision. The subject property is zoned R2 -Residential District.

This is a waterfront property on White Pond which lies entirely within the Chesapeake Bay Critical Area, and is designated as LDA - Limited Development Area and RCA - Resource Conservation Area. The entire shoreline is Buffer with a small amount of BMA - Buffer Modification Area near the house. The site is currently improved with a single-family detached dwelling with associated facilities, but is not currently improved with a pier.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a pier measuring 90' X 6' with a 10' X 10' platform. The total length of the pier and platform will be 100'. Also proposed are two mooring pilings on the western side of the proposed pier to be used for the installation of a boatlift.

REQUESTED VARIANCES

§ 18-2-404(b) of the Anne Arundel County Zoning Code stipulates that a private pier or mooring piling shall be located at least 15 feet from a lot line extended. The 2 proposed mooring pilings on the west side of the pier will be located as close as 0 feet and 4 feet from the westerly extended lot line, necessitating variances of 15 feet and 11 feet respectively. The pier will be located as close as 0 feet from the easterly extended lot line and as close as 8 feet from the westerly extended lot line, necessitating variances of 15 feet and 7 feet respectively.

FINDINGS

The applicant describes he is trying to achieve riparian access as the property does not currently have a pier as well as adequate water depth for his boat. Due to the angle of the adjacent pier, the extended lot lines leave a limited buildable water area that resembles a pie slice, leaving no area for pier construction without a variance.

The **Health Department** commented that they have reviewed the on-site sewage disposal and well water supply system for the property and have no objection to the variance request.

The **Development Division (Critical Area Team)** commented that the property line extensions are correctly drawn and that the proposed pier project seems reasonable. The Critical Area Team has no objection to the variance request.

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 property, strict implementation of the Code would result in an unwarranted hardship or practical difficulties. In this case the method of lot line extension results in a limited water area to construct a pier and pilings. The extension lines converge to a point creating a "pie slice" area which is not sufficient to improve the water area without a variance. As such, some relief is warranted. The proposed pier and pilings appear to leave adequate room for navigation to adjacent piers and is considered by this Office to represent the minimum necessary to afford relief.

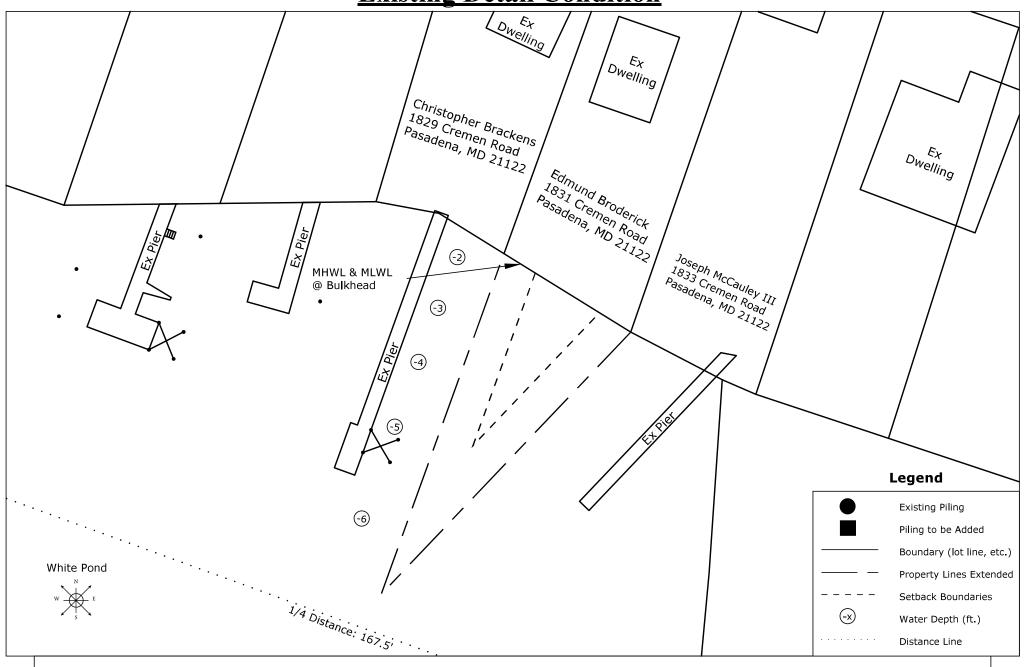
Piers with slips and associated mooring pilings are a common feature of waterfront properties and the neighborhood contains several piers in the area, some of which appear to be nonconforming with regard to setbacks. Therefore, the proposed variances will not alter the essential character of the neighborhood and will not be detrimental to the public welfare. There is no evidence that the proposal will impair the appropriate use or development of adjacent properties, as the proposal appears to provide adequate separation for navigability.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *approval* of variances to §18-2-404 (b) for the construction of the pier and pilings 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.

Existing Detail Condition



Applicant: Edmund Broderick

Property Address: 1831 Cremen Road, Pasadena, MD 21122

Tax-ID: 03-701-29580405

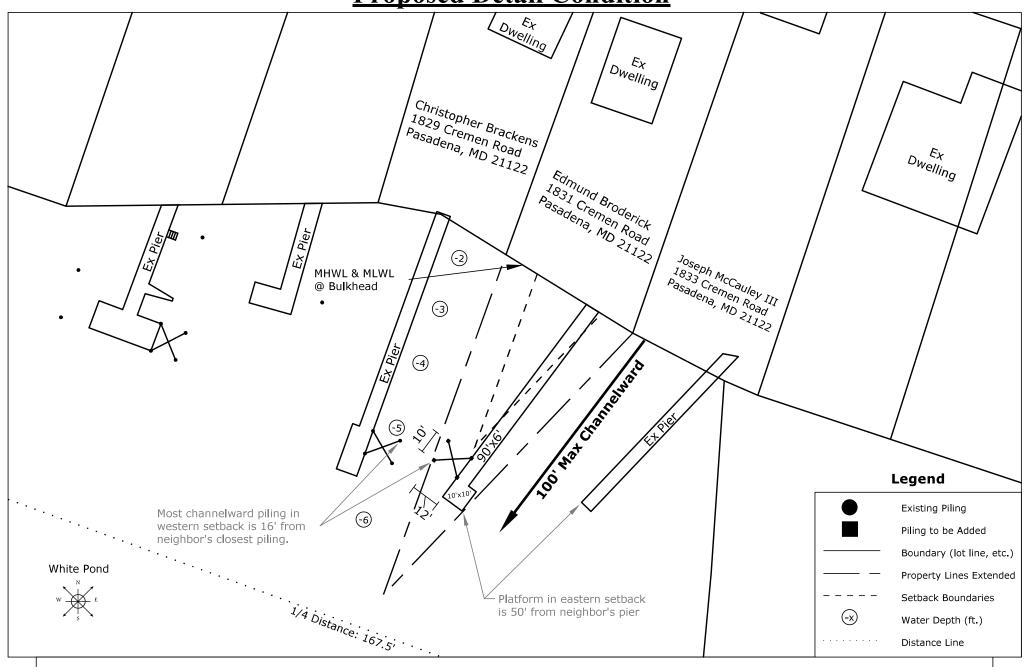
Project Description: Construct a 90'x6' pier with a 10'x10' platform and 2 boat lift pilings.

Scale: 1"=40'

Date: July 25, 2024

Page 3 of 10

Proposed Detail Condition



Applicant: Edmund Broderick

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July 25, 2024

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

Property Owner: Edmund Broderick

Site Address: 1831 Cremen Road, Pasadena, MD 21122

Subject: Letter of Explanation for Variance

To Whom It May Concern:

The property owner, Edmund Broderick, is requesting authorization to construct a 90 feet by 6 feet pier with a 10 feet by 10 feet platform and two additional pilings for a boat lift. A portion of the pier, the platform, and the boat lift pilings will be installed within the property's eastern and western setbacks. Mr. Broderick is trying to achieve riparian access, as the property does not currently have a pier, as well as adequate water depth for his 2023 Sea Hunt Ultra 234 boat.

Due to the angle of the adjacent pier to the east, Mr. Broderick's available water space for pier construction is restricted, leaving him with a buildable area that resembles a pie slice. Resultantly, Mr. Broderick has no alternative but to request a variance for the pier, platform, and boat lift with its associated pilings. The variance is the minimum necessary to achieve riparian access and the required water depth for his boat.

There are 62.11 feet of waterfront property in total, and the property does not currently have a pier. As the property's buildable area is limited, the proposed pier, platform, and boat lift with its associated pilings will utilize the full 15 feet eastern and western setbacks. The boat lift pilings will be installed 12 feet from the western edge of the pier, positioned 80 feet and 90 feet channelward from the existing bulkhead/MHWL. The dimensions of the new boat lift will be 10 feet by 12 feet. The pier and platform will extend 100 feet in total channelward from the bulkhead/MHWL.

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

Sincerely,

Joshua Jacobs

Chief Executive Officer

Joshuer Jacobs

Signature: Edmund Broderick (Property Owner)

Assurance Title, LLC File No. AS-108136MD Tax ID #: 03-701-29580405 Anne Arundel Cty Cir Crt
IMP FD SURE \$40.00
RECORDING FEE \$20.00
TR TAX STATE \$4,200.00
TOTAL \$4,260.00
SAP CGC
May 22, 2024 09:56 am

1/2

This Deed made this \(\) day of \(\) are day of \(\) are day of \(\) by and between Dianne Deoraj Leveille and Jason Gerard Leveille, GRANTOR(S), and Edmund Broderick and Mary Broderick, GRANTEE(S).

– Witnesseth –

That in consideration of the sum of Eight Hundred Forty Thousand Dollars and No Cents (\$840,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor(s) do/does hereby grant and convey to the said Grantee(s), as tenants by the entirety unto the survivor of them, his or her heirs and assigns in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED a Lot Numbered 14, Block B as shown on a plat entitled "Subdivision of Rockwood Realty Company Property" which plat is duly recorded among the Land Records of Anne Arundel County in Plat Book No. 23, Folio 45.

SUBJECT TO all easements, covenants and restrictions of record.

The improvements thereon being known as 1831 Cremen Road, Pasadena, MD.

Tax ID No. 03-701-29580405

Being the same property granted and conveyed from Michael P. McLaughlin and John Stopowski to Dianne Deoraj Leveille and Jason Gerard Leveille by a Deed dated February 19, 2021 and recorded on March 9, 2021 in Book 36308, Page 441.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Edmund Broderick and Mary Broderick, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

And the Grantor(s) hereby covenant(s) that he/she/they has/have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she/they will warrant specially the property hereby granted; and that he/she/they will execute such further assurances of the same as may be requisite.

ACCT. 03-701-29580405 ALL REQUIRED LIENS ARE PAID AS OF 05-21-2024 A.A. COUNTY BY: LO

Anne Arundel Cty Finance Office County Transfer Tax \$8,400.00 County Recordation Tax \$5,880.00 05/21/2024 09:48 AM LO

In Witness Whereof, Grantor(s) has/have caused this Deed to be properly executed and sealed the day and year first above written. ever HONGA rang Dianne Deoraj Leveille (SEAL) Gerard Leveille Ma State of County of Man Hawen I hereby certify that on this ______ day of ________, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Jason Gerard Leveille, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct. IN WITNESS WHEREOF, I hereunto set my hand and official seal. JOHN RUFFER Notary Public - State of Maryland Notary Public **Baltimore County** My Commission Expires: 12-5-26 My Commission Expires Dec 5, 2026 County of 1) day of Max 2024 I hereby certify that on this _ , before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Dianne Deoraj Leveille, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct. IN WITNESS WHEREOF, I hereunto set my hand and official seal. JOHN RUFFER

Notary/Public

My Commission Expires: 12-5-26

Notary Public - State of Maryland

Baltimore County My Commission Expires Dec 5, 2026

BOOK: 40446 PAGE: 196

BOOK: 40446 PAGE: 197

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Supreme Court of Maryland.

Attorney, Ali Kalarestaghi

AFTER RECORDING, PLEASE RETURN TO: Assurance Title LLC 8825 Stanford Blvd Columbia, MD 21045

File No.: AS-10 8136 M

File No. AS-108136MD

OWNER OCCUPANCY AFFIDAVIT

Edmund Broderick and Mary Broderick, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, the Grantee(s) in the within Deed hereby certify under the penalties of perjury, as evidenced by the joinder herein, that the land conveyed in this Deed is residentially improved owner-occupied real property and that the residence will be occupied by me/us. Edmund Broderick
Edmund Broderick
Mary Broderick
WITNESS:
(SEAL)
As to All
AS to All
STATE OF MARYLAND,, to wit:
11 46 . 11
I HEREBY CERTIFY, that on this //wday of May, 20 dy,
before me, the subscriber, a Notary Public of the State and County aforesaid, personally
appeared Edmund Broderick and Mary Broderick, the parties herein, known to me (or
satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within
instrument, and acknowledged the foregoing to be his/her/their act, and in my presence signed and sealed the same.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _

BOOK: 40446 PAGE: 199

MARYLAND FORM WH-AR

1. Transferor Information

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2024

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence

2. Description of Property (Street address. If not a 1831 Cremen Road, Pasadena, MD 21122		, 5050.00.00.00.00.00.00.00.00.00.00							
3. Reasons for Exemption									
		signed, I, Transferor, am a resident of the State of Maryland							
(COMAR)03.04.12.02B	Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf. esidence Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence of 2 (two) of the last 5 (five)years) and is currently recorded as such with the State Department of Assessments and Taxation								
residence as defined in									
Under penalty of perjury, I certify that I have ex Knowledge, it is true, correct, and complete.	xamined this declaration and that, to th	e best of my							
Individual Transferors	Jason Gerard Leveille	5-14-24							
Witness	Name Signature	**Date							
Entity Transfers									
Witness/Attest	Name of Entity								
	Ву								
	Name	**Date							
Form must be dated to be valid.	Name	**Date							

2024

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 40446, p. 0200, MSA_CE59_40888. Date available 05/24/2024. Printed 07/16/2024.

MARYLAND FORM

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of

WH-AR **Residence or Principal Residence**

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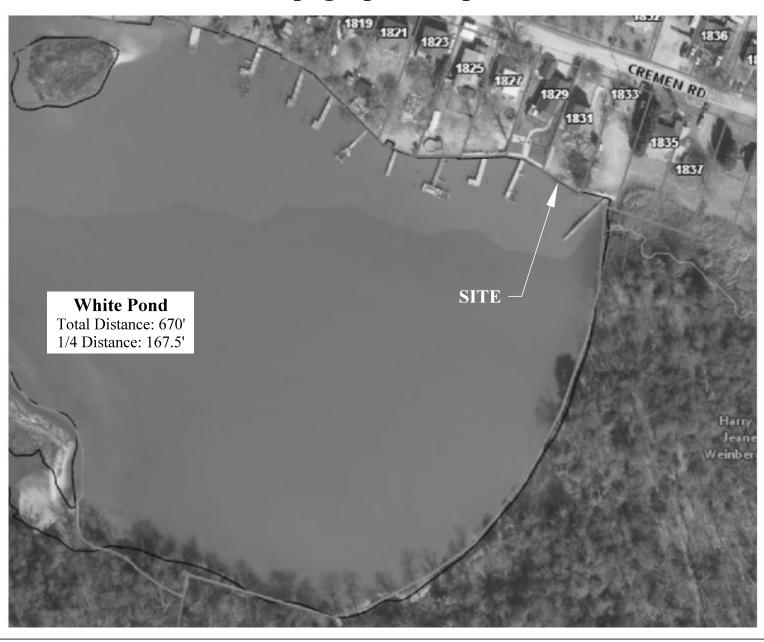
in ownership of real property is presented for recordation. The $\,$ requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

	· · · · · · · · · · · · · · · · · · ·							
•	Transferor Informat	tion						
	Name of Transferor _	Dianne Deoraj Leveille	···					
•	Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers). 1831 Cremen Road, Pasadena, MD 21122							
,	Reasons for Exempt	ion						
	Resident Status	As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.						
		Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.						
Principal Residence Although I am no longer a resident of the State of Maryland, the Property is my principal residence for 2 (two) of the last 5 (five) years currently recorded as such with the State Department of Assessments and Taxation.								
		rjury, I certify that I have examined this declaration and that, to the best of my e, correct, and complete.						
a.	Individual Transfero	Dianne Deoraj Leveille	4					
		Signature Scorof Levelle						
b.	Entity Transferors							
	Witness/Attest	Name of Entity						
		Ву						
		Name **Date	**************************************					
*	Form must be dated to	Title he valid						
Not	Court.							

BOOK: 40446 PAGE: 201

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Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only—All Copies Must Be Legible)											
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Consideration	Any New Mortgage \$ \$210,000.00			.00	Transfer Tax Consideration			\$			
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8	ď	oc 1 – Gra	intee(s) Name	P(S)			Doc	2 – Gran	tee(s) Name(s)		
	Doc. 1 – Grantee(s) Name(s) Edmund Broderick				Tina Sorum						
Transferred To	Mary Broderick										
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Distribution: Clerk's Office SDAT AOC-CC-300 (5/2007) Preparer AS-108136MD											

Topographic Map



Applicant: Edmund Broderick

Property Address: 1831 Cremen Road, Pasadena, MD 21122

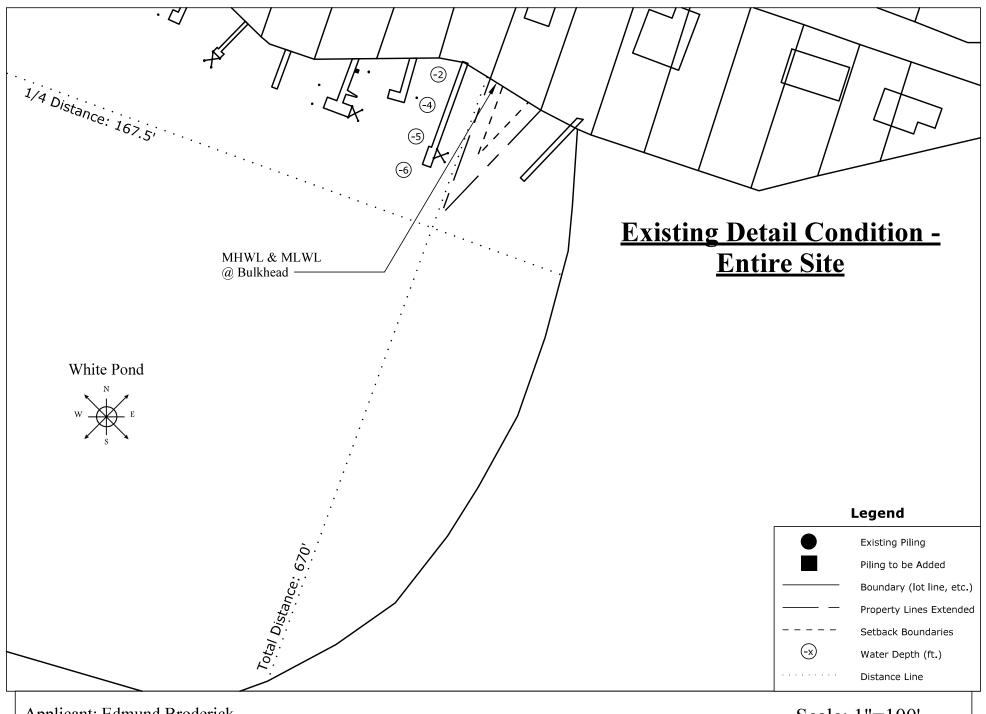
Tax-ID: 03-701-29580405

Project Description: Construct a 90'x6' pier with a 10'x10' platform and 2 boat lift pilings.

Scale: 1"=140'

Date: July 25, 2024

Page 1 of 10



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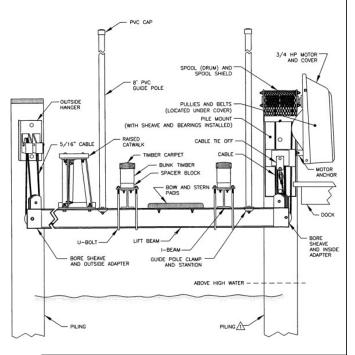
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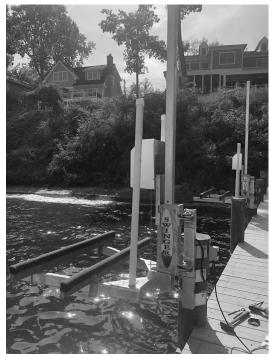
Scale: 1"=100'

Date: July 25, 2024

Page 2 of 10



1,500lbs. Single Piling Swinger PWC Lift



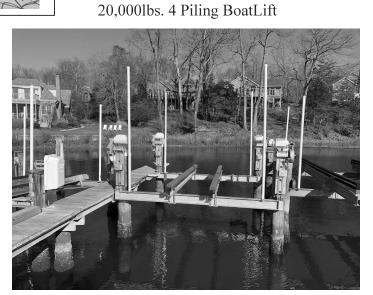
3,000lbs. 2 Piling BoatLift



10,000lbs. 4 Piling BoatLift



Stock Photos



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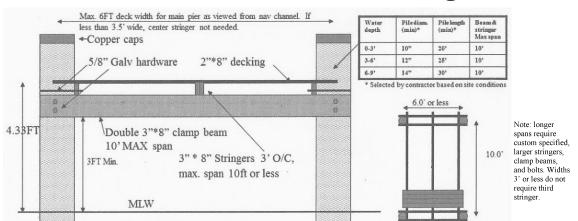
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Scale: 1'' = NTS

Date: July 25, 2024

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Pier Construction Drawing



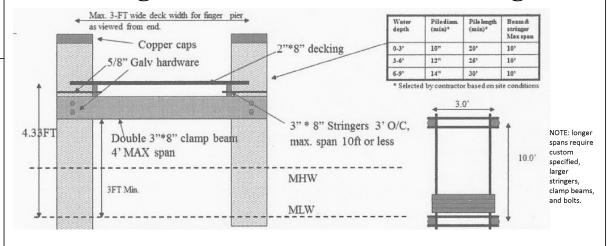
Stock Photos

- Pilings, marine grade pressure treated AWPA STD, 1.5lb cu/ft CCA or better type C
- Pilings driven to point of <u>SIGNIFICANT</u> resistance or refusal and <u>AT LEAST</u> 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.

Finger Pier Construction Drawing



- Pilings, marine grade pressure treated AWPA 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

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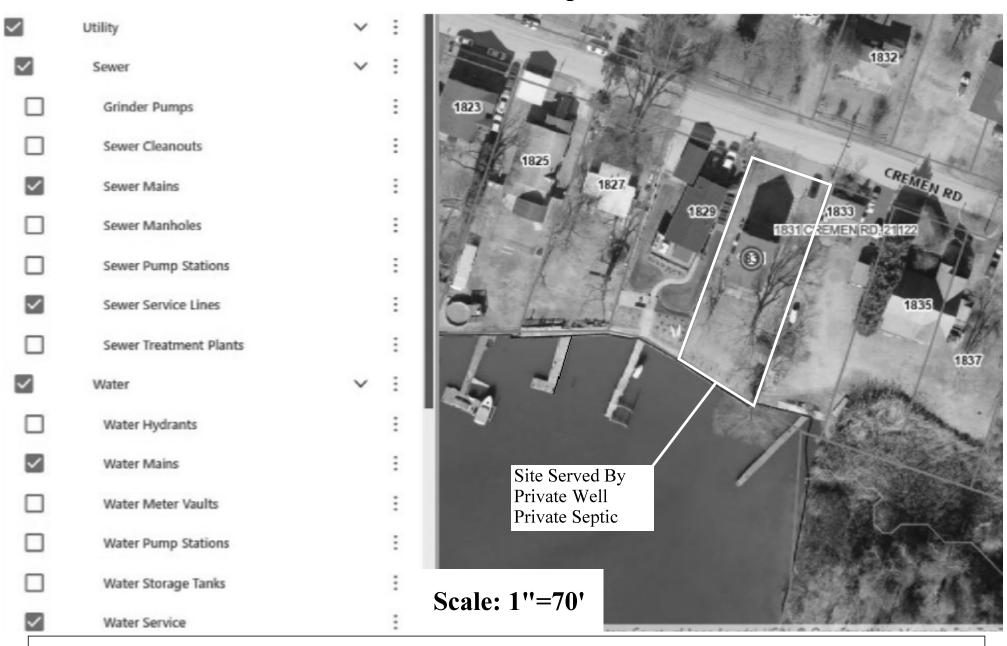
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Scale: 1'' = NTS

Date: July 25, 2024

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Utilities Map



Applicant: Edmund Broderick

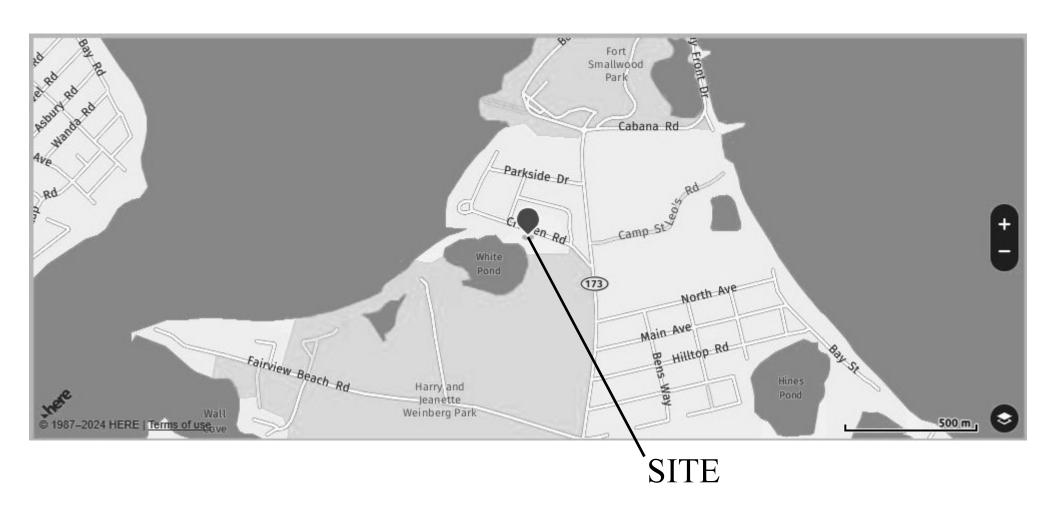
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Date: July 25, 2024 Page 7 of 10

Vicinity Map



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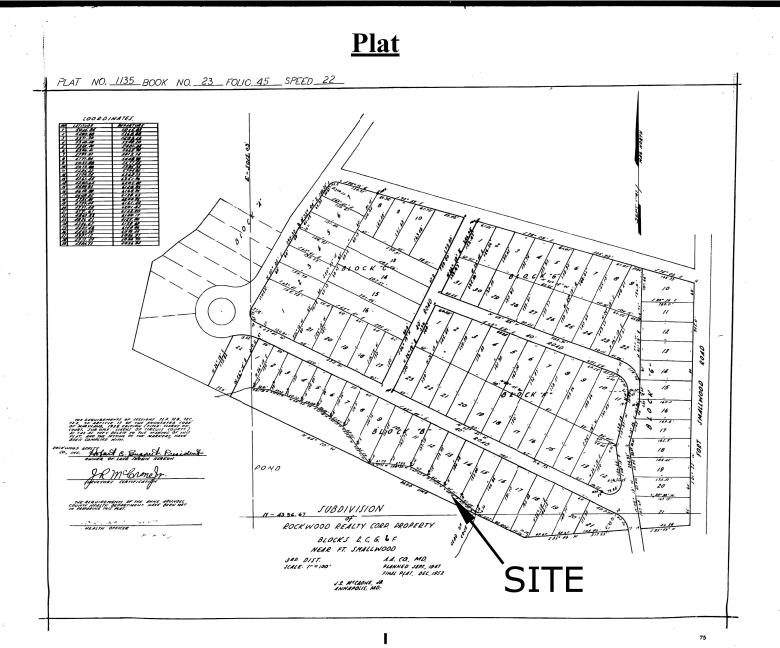
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Scale: 1"=NTS

Date: July 25, 2024

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Applicant: Edmund Broderick

Property Address: 1831 Cremen Road, Pasadena, MD 21122

Tax-ID: 03-701-29580405

Project Description: Construct a 90'x6' pier with a 10'x10' platform and 2 boat lift pilings.

Scale: 1"=NTS

Date: July 25, 2024

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Applicant Certification

I hereby certify that I have reviewed this permit package in its entirety, and the information and drawings provided in this package are true and correct to the best of my knowledge and belief.

Additionally, I certify that I understand the following:

- -The drawings provided in this package are for permit purposes only for the described homeowner, property, and improvement.
- -All distances and scaled relationships are approximate and are not to be relied on for construction or purposes other than this permit application.
- -I am 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.

-I am responsible for contacting MISS UTILITY and having all utilities marked/located prior to the start of work and confirming no danger/conflict with all utilities.

Applicant Signature and Date:

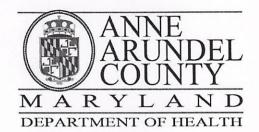
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J. Howard Beard Health Services Building 3 Harry S. Truman Parkway Annapolis, Maryland 21401 Phone: 410-222-7095 Fax: 410-222-7294 Maryland Relay (TTY): 711 www.aahealth.org

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:

August 1, 2024

RE:

Edmund Broderick

1831 Cremen Road Pasadena, MD 21122

NUMBER:

2024-0145-V

SUBJECT:

Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a peir and 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

2024-0145-V

Menu Help Cancel

> Task Details OPZ Critical Area Team Assigned Date Due Date 08/19/2024
> Assigned to Department
> OPZ Critical Area 07/29/2024 Assigned to Melanie Mathews Current Status
> Complete w/ Comments Status Date 08/01/2024 Action By Melanie Mathews Comments Overtime No Start Time Comments
> Following a review of building permit B02428972, it has been determined that
> the property line extensions are correctly drawn for this property. The proposed
> pier project seems reasonable and meets the requirements for a zoning
> variance under Article 18-16-305(a) and (c). The critical area section of the
> Office of Planning and Zoning has no objection to the variance request.
>
> Find Time. End Time **Hours Spent** Action by Department OPZ Critical Area Billable No Time Tracking Start Date In Possession Time (hrs) Est. Completion Date Display E-mail Address in ACA **Estimated Hours** Display Comment in ACA Comment Display in ACA All ACA Users Record Creator Licensed Professional Contact Owner

Expiration Date

Task Specific Information

Review Notes

Reviewer Name MELANIE MATHEWS

Reviewer Phone Number

Reviewer Email PZMATH20@aacounty.org 410-222-6136

Map Title



THIS MAP IS NOT TO BE

USED FOR NAVIGATION

Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Addressing

Parcels

Parcels - Annapolis City