



March 19, 2025

Ms. Sterling Seay
Chief, Current Planning/Zoning Division
Office of Planning and Zoning
Anne Arundel County
2664 Riva Road – Third Floor
Annapolis, MD 21401

**RE: Dark Horse
REVISED VARIANCE EXPLANATION LETTER
985 Bay Ridge Rd, Annapolis, MD 21403
Tax Map 57A, Grid 15, Parcel 1558,
Tax #02-000-09612608**

Dear Ms. Seay:

On behalf of our client, Dark Horse 1 LLC., Near Shore Engineering, LLC (Near Shore) is pleased to submit this application for a variance to the requirements of **§ 18-10-104. Alcoholic beverage uses as accessory to other uses**, as published in the Anne Arundel County Code. Specifically, Item (2) of the requirements. Near Shore has been retained by the applicant to prepare a variance site plan and application.

§ 18-10-104. Alcoholic beverage uses as accessory to other uses.

(2) If the use is to be conducted out of doors or will include live entertainment or dancing, the area used for the activity shall be located at least 100 feet from all residentially zoned

The Dark Horse Tavern operates at 985 Bay Ridge Rd, on a 0.527 acre parcel zoned C-1 (Commercial) Local. The property is contiguous with a residentially zoned parcel (1552), to the south, which contains the Annapolis Neck Fire Station (AACo FD Station 8) and a dual-zoned parcel to the west which lies within the Corporate Limits of the City of Annapolis and contains both residential and commercial uses. As shown on the Administrative Site Plan, the distance from the portion of the Dark Horse building/structure where live entertainment and dancing would occur to the closest residential property line is 44.0 feet to the west and 47.0 feet to the south.

Other distances are provided from the outdoor dining areas to the residential property line, but the 44-ft line from the corner of the structure is the least distance to a residential property.

We are requesting 56 feet of relief from the requirements of § 18-10-104(2) so that Dark Horse 1 LLC may add a Dancing Permit to their current CLASS D TAVERN license.

The following is a point-by-point explanation of the variance requirements per Anne Arundel County Code Sections 18-16-305:

(a) Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

There are exceptional circumstances in this instance. This request for relief is to allow the Dark Horse Tavern to continue to operate in the manner that it has since the applicant obtained their liquor license in 2020. The license was transferred from the prior operator as the tavern use and has been in existence since the 1970s with live entertainment and dancing. This variance request is a result of the discovery that the applicant has been operating with dancing and live entertainment without the appropriate license condition since they opened five years ago. The site has been zoned C1, Commercial since 1972 as has the adjacent R2 and R1 zoning. Nothing has changed from a land use perspective. The granting of the variance will perfect the existing use consistent with the tavern use as it has existed for over 50 years, and it is necessary to avoid practical difficulties and unnecessary hardship for the applicant.

(1) the variance(s) is the minimum variance necessary to afford relief; and

Explanation: The measured distance from the rear outdoor dining area of the existing building is 44 ft westward and represents the shortest distance to a residential property line. Thus 56 feet of relief represents the minimum variance to afford relief. The measured distance from the closest point of live entertainment and dancing is 47 feet southward.

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located;

Explanation: The essential character of the neighborhood or district is defined by commercial businesses within Anne Arundel County and also within the Corporate Limits of the City of

Annapolis.. Allowing the use to continue with proper variances from the adjacent residential property line cannot alter the character because the Tavern use at 985 Bay Ridge Rd has been in continuous operation since the 1960's and could be considered as a defining character of the neighborhood.

- (ii) substantially impair the appropriate use or development of adjacent property;

Explanation:

The closest dual-zoned residential and commercial property use within the City of Annapolis (to the southwest) is currently the storm water management facility for the Bay Village Development. The associated residential dwelling is approximately 278 ft from the rear outdoor dining area and 293 feet from the interior dancing and live entertainment area.

The closest residentially zoned property use within the County (to the southeast) is currently the Annapolis Neck Fire Station (AACo FD Station 8). The garage portion of the Fire Department building is set back another 28 feet from the property line. The portion of the Fire Department building that could be considered a "dwelling" or other office use is set back from the shared property line by 98 feet. The operators of the Dark Horse maintain an excellent relationship with Fire Department personnel and no complaints or issues have arisen between the uses in the five (5) years of Dark Horse operation.

- (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;

Explanation: Does not apply as the subject property does not lie within the Chesapeake Bay Critical Area.

- (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor

Explanation: Does not apply as the subject property does not lie within the Chesapeake Bay Critical Area nor within a bog protection area

- (v) be detrimental to the public welfare.

The requested relief would allow a condition that has occurred for the past 50+ years to continue. That time duration represents a wealth of empirical evidence that the public welfare has not been adversely impacted. Thus, continuing an element of the existing use would not create a detriment to the public welfare.

Ms. Sterling Seay
Chief, Planning/Zoning Division
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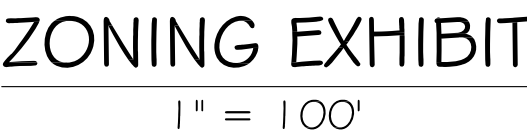
Thank you for your considerations to afford relief in the form of a Variance from the Zoning Regulations of Alcoholic Beverage uses as accessory to other uses for the subject property. If you have any questions or require additional information, please do not hesitate to contact us at our Annapolis office.

Respectfully,

A handwritten signature in black ink, reading "Carl R. Corse". The signature is fluid and cursive, with the first name "Carl" being the most prominent.

Carl R. Corse, P.E.
Near Shore Engineering, LLC

Encl.



SITE DATA

LEASEE: DARK HORSE I, LLC
C/O KRISTIAN DEMEO GAINES &
RYAN GAINES
1015 JACKSON STREET
ANNAPOLIS, MD 214043
443-437-3072
DARKHORSEDIVE@GMAIL.COM

ENGINEER: NEAR SHORE ENGINEERING
117 KUETHE DRIVE
ANNAPOLIS, MD 21403
CARL R. CORSE, P.E.
410-585-7560
CARL.CORSE@VERIZON.NET

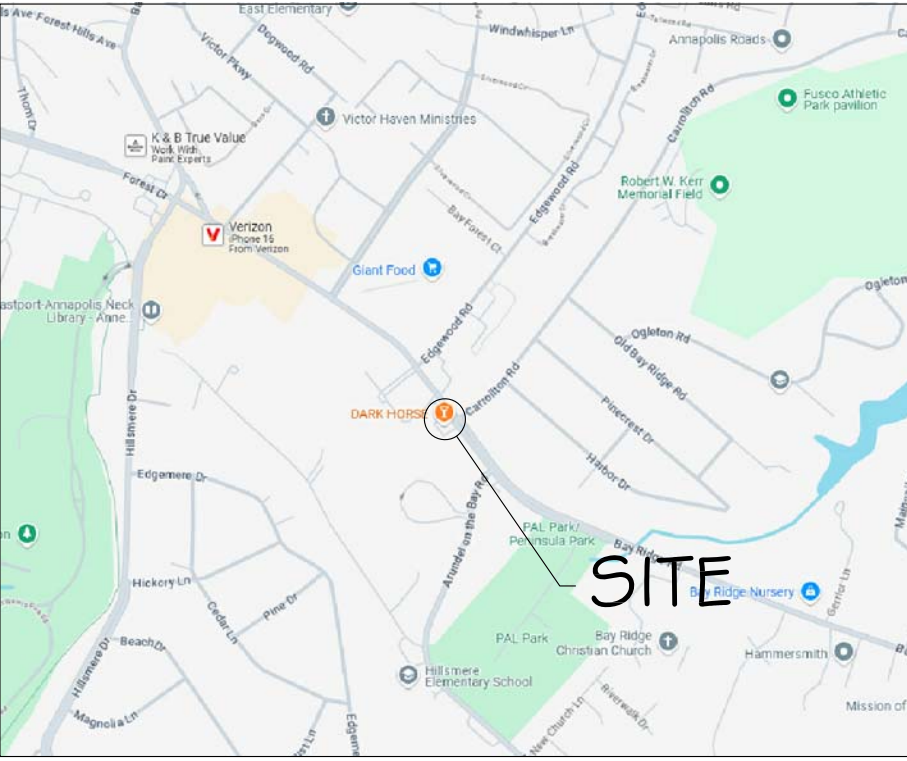
PROPERTY: 985 BAY RIDGE RD
ANNAPOLIS, MD 21403
DEED 17063/ 00625
ZONE: C-1 LOCAL
22,956 SF (0.527 AC)
CRITICAL AREA: NONE

USE: TAVERN (CLASS D LIQUOR LICENSE)

DARK HORSE 1 LLC

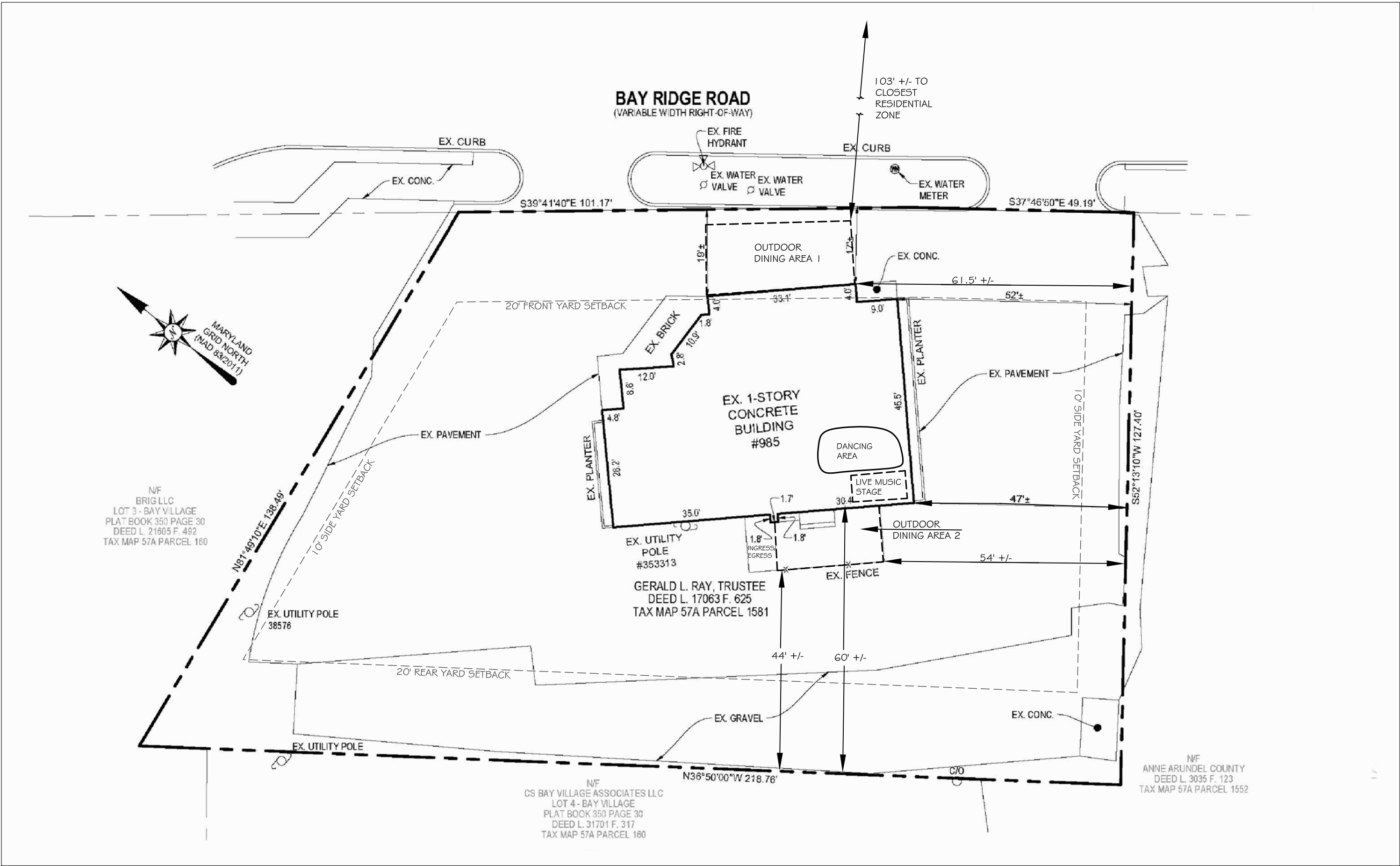
ADMINISTRATIVE SITE PLAN FOR VARIANCE

985 BAY RIDGE RD
ANNAPOLIS, MARYLAND 21403
17063/ 00625



VICINITY MAP


NTS

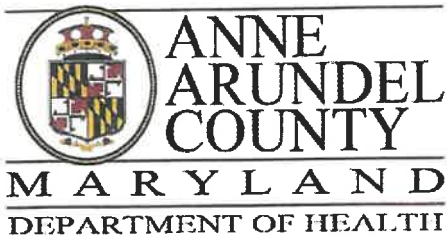


SITE PLAN
1" = 20'

VARIANCE INFORMATION

(2) If the use is to be conducted out of doors or will include live entertainment or dancing, the area used for the activity shall be located at least 100 feet from all residentially zoned property.

ADMINISTRATIVE SITE PLAN FOR VARIANCE					
<div>DARK HORSE DARK HORSE 1, LLC 985 BAY RIDGE RD ANNAPOLIS, MARYLAND 21403 17063/ 00625</div>					
DATE	MARCH 17, 2025	JOB NUMBER	2006	SCALE	1" = 100'
		DRAWN BY	CRC	DESIGNED BY	CRC
		CHECKED BY	CRC	APPROVED BY	CRC
		NEAR SHORE ENGINEERING, LLC  117 Kueths Drive, Annapolis, MD 21403 410.585.7560			
REVISIONS					
REV. #	DATE	DESCRIPTION			
SHEET NO. 1 OF 1					
FILE NO.					




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: February 19, 2025

RE: Gerald L. Ray, Trustee
985 Bay Ridge Road
Annapolis, MD 21403

NUMBER: 2025-00028-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow alcoholic beverage use with outdoor live entertainment or dancing, with less setbacks to a residentially zoned property, than required

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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