

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

APPLICANT: Dark Horse 1 LLC (Lessee)

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0028-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: April 10, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow an alcoholic beverage use with outdoor beverage service and indoor live entertainment and dancing¹ with less setbacks to a residentially zoned property than required on property located at 985 Bay Ridge Road, Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 22,956 square feet of land and is located on the southwest side of Bay Ridge Road. It is identified as Parcel 1581 in Grid 15 on Tax Map 57A.

The property is zoned C1 – Local Commercial District and is currently improved with a commercial building and associated facilities.

PROPOSAL

The applicant seeks approval to allow the Dark Horse Tavern to operate an alcoholic beverage use with outdoor beverage service and with indoor live entertainment and dancing.

REQUESTED VARIANCES

§ 18-10-104 of the Anne Arundel County Zoning Ordinance provides that, if an alcoholic beverage 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. The outside dining area with alcoholic beverage service is located 54 feet from the southeast side lot line abutting an Anne Arundel County residentially zoned (R2) property and 44 feet from the rear lot line abutting a City of Annapolis split zoned (PM-2 and R1)² property, necessitating variances of 46 feet and 56 feet, respectively. The indoor live entertainment and dancing is located 47 feet from the southeast side lot line and 60 feet from the rear lot line, necessitating variances of 53 feet 40 feet, respectively.

¹ The variance application was inadvertently advertised for “outdoor live entertainment or dancing”; however, the live entertainment and dancing takes place inside. Alcoholic beverage service is provided outside.

² It should be noted that the rear lot line abutting the City of Annapolis property directly abuts PM-2 Mixed Use zoning. The Zoning Code is not clear as to whether the 100-foot alcoholic beverage use distance requirement should be measured from the property line of a lot containing residential zoning or whether it should be measured from the residential portion of that property. Out of an abundance of caution, the County has included rear lot line variances.

FINDINGS

The subject property is irregular in shape and abuts County property improved with the Annapolis Neck Fire Station to the southeast, City of Annapolis property improved with a CVS Pharmacy to the north, and City of Annapolis property improved with an assisted living facility to the west.

The property was the subject of a prior nonconforming use application (1999-0481-N) under which approval was granted to register an existing tavern as an allowed nonconforming use in what was then an R2 - Residential District.

The applicant's letter explains that 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 applicant attests that the site has been zoned C1 since 1972 as has the adjacent R2 and R1 zoning and that nothing has changed from a land use perspective. However, this Office notes that the zoning of the subject property was actually R2 until it was reclassified to C1 during the comprehensive zoning process for Councilmanic District 6, effective October 7, 2011. The applicant concludes that the granting of the variance will perfect the existing use consistent with the tavern use as it has existed for over 50 years and that it is necessary to avoid practical difficulties and unnecessary hardship.

The **Health Department** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection to the request.

The **Development Division (Regional Team)** defers to the Zoning Administration Section.

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 other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this case, exceptional circumstances exist in that the alcoholic beverage use with live entertainment and dancing has existed on this site for an extended period of time. Denial of the requested variance to perfect the long standing location of this use would result in the denial of the applicant's Liquor License and a significant hardship to the applicant.

Approval of the variance would not alter the essential character of the neighborhood as no change to the existing use is proposed. Approval of the variance would not substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare. As detailed in the applicant's letter, 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 feet 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

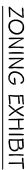
Fire Department personnel, and no complaints or issues have arisen between the uses in the five years of Dark Horse operation.

Given the longstanding alcoholic beverage use at this location and the overall neighborhood context, the proposed variance is justified and is considered to be 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 **approval** of the requested zoning variances.

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.



LEASEE: DARK HORSE I, LLC

DARKHORSE 1, LLC
C/O KRISTIAN DEMEO GAINES #
RYAN GAINES
1015 JACKSON STREET
ANNAPOLIS, MD 214043
443-437-3072
DARKHORSE.DIVE@GMAIL.COM

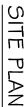
NEAR SHORE ENGINEERING
117 KUETHE DRIVE
ANNAPOLIS, MD 21403
CARL R. CORSE, P.E.
410-585-7560
CARL.CORSE@VERIZON.NET

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)

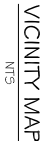
ADMINISTRATIVE SITE PLAN FOR VARIANCE

985 BAY RIDGE RD
ANNAPOLIS, MARYLAND 21403
17063/00625



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.



117 Kuethe Drive, Annapolis, MD 21403 410.585.7560

DATE	MARCH 17, 2025
JOB NUMBER	2008
SCALE	1" = 100'
DRAWN BY	CRC
DESIGNED BY	CRC
APPROVED BY	CRC

ADMINISTRATIVE SITE PLAN FOR VARIANCE

DARK HORSE

DARK HORSE 1, LLC
985 BAY RIDGE RD
ANNAPOLIS, MARYLAND 21403
17063/ 00625



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
March 19, 2025
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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.

2025-0028-V

Menu

Cancel

Help

Task

OPZ Regional Team

Assigned to Department

OPZ Regional Planning

Action by Department

OPZ Regional Planning

Start Time

Billable

No

Time Tracking Start Date

Display E-mail Address in ACA

No

Estimated Hours

0.0

Due Date

03/24/2025

Assigned to

Courtney Wilson

Action By

Courtney Wilson

End Time

Overtime

No

Est. Completion Date

Display Comment in ACA

☒

Action

Updated

Assigned Date

03/10/2025

Status

Complete w/ Comments

Status Date

03/13/2025

Hours Spent

0.0

Comments

This memo is in response to the Zoning Division request for comments regarding a Variance to Article 18-10-104(2). This Office defers to the Zoning Division whether the applicant meets the above application standard requirements, per Variance requirements of Article 18-16-305.

In Possession Time (hrs)

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Workflow Calendar

Task Specific Information

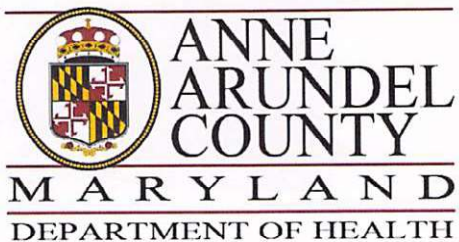
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name




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



975

985

991
Annapolis Neck Fire
Co. 8

S EDGE