

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

APPLICANT: Robert & Joanna King

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0031-V

COUNCIL DISTRICT: 3

HEARING DATE: April 25, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting variances to allow mooring pilings with less setbacks than required on property located at 8080 Belhaven Avenue in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The site consists of 11,900 square feet of land and is located on the southwest side of Belhaven Avenue. It is identified as Lot 7 of Parcel 74 in Grid 14 on Tax Map 18 in the Belhaven Beach subdivision. The property has been zoned R1 - Residential District since the adoption of the comprehensive zoning for Council District 3, effective January 29, 2012. This waterfront lot lies entirely within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a single-family detached dwelling with associated facilities, including a pier, pilings and boat lifts.

PROPOSAL

The applicants propose to replace two pier pilings, install two pier pilings, and install four pilings for a boat lift, all on the eastern side 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. Four (4) proposed mooring pilings would be located as close as 5 feet from the eastern side lot line extended, necessitating a variance of 10 feet.

FINDINGS

The subject property is undersized and narrow with regards to the minimum lot size of 40,000 square feet and the minimum lot width of 125 feet for lots in the R1 District. A review of the 2024 County aerial photography shows that the subject property and nearby waterfront lots on Main Creek contain piers, boat lifts and other associated improvements.

The previous owners of the subject property were granted a variance, 2020-0055-V, to allow the pier to extend into the water further than half the distance from mean high water, and to allow

mooring pilings on the west side of the pier as close as 12 feet and 13 feet, and on the east side of the pier as close as 14 feet from the lot lines extended.

The neighbors at 8082 Belhaven Avenue were granted a variance, 2021-0214-V, to allow mooring pilings on the west side of the pier as close as 5 feet from the lot lines extended, and on the east side of the pier as close as 9 feet from the lot lines extended. A condition of that variance was to allow the two existing pilings on the west side to remain to be jointly used by the adjoining property to the west (#8080).

The applicants' letter explains that a second boat lift is required to provide protection, security, and maintenance for their second boat. Due to the location of the pier in relation to the setbacks, a boat lift and its pilings could not be installed without a variance.

Agency Comments

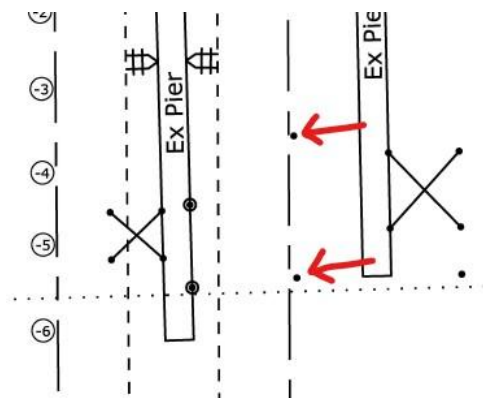
The **Development Division (Critical Area Team)** notes that the proposed 16' wide boat lift is larger than the typical boat lift on smaller properties, and that approval of the variance request for boat lift pilings on the East side of the pier will significantly limit access to the inside of not only the applicant's pier but also that of its neighbor. Aside from the access concern, the critical area team has no objection.

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.

In this particular case, the subject property is narrow and the existing pier is centered on the property, with a boat lift on the western side of the pier and two smaller lifts on either side of the pier, closer to the shoreline. The location of the pier along the narrow waterfront precludes any change to the pilings without a variance. It appears, with the existing amenities, that the applicants currently enjoy reasonable use of the waterfront, and that an additional boat lift on the eastern side of the pier may impede navigation to the smaller existing lift. However, the variance decision at the neighbors' to the east limited access to the inner pier when the pilings (identified with the red arrows) were conditioned to remain for joint use. Since a boat had been presumed to be tied up in the eastern slip at the subject pier, denial of a variance for the four mooring pilings to install a boat lift may cause an unnecessary hardship.



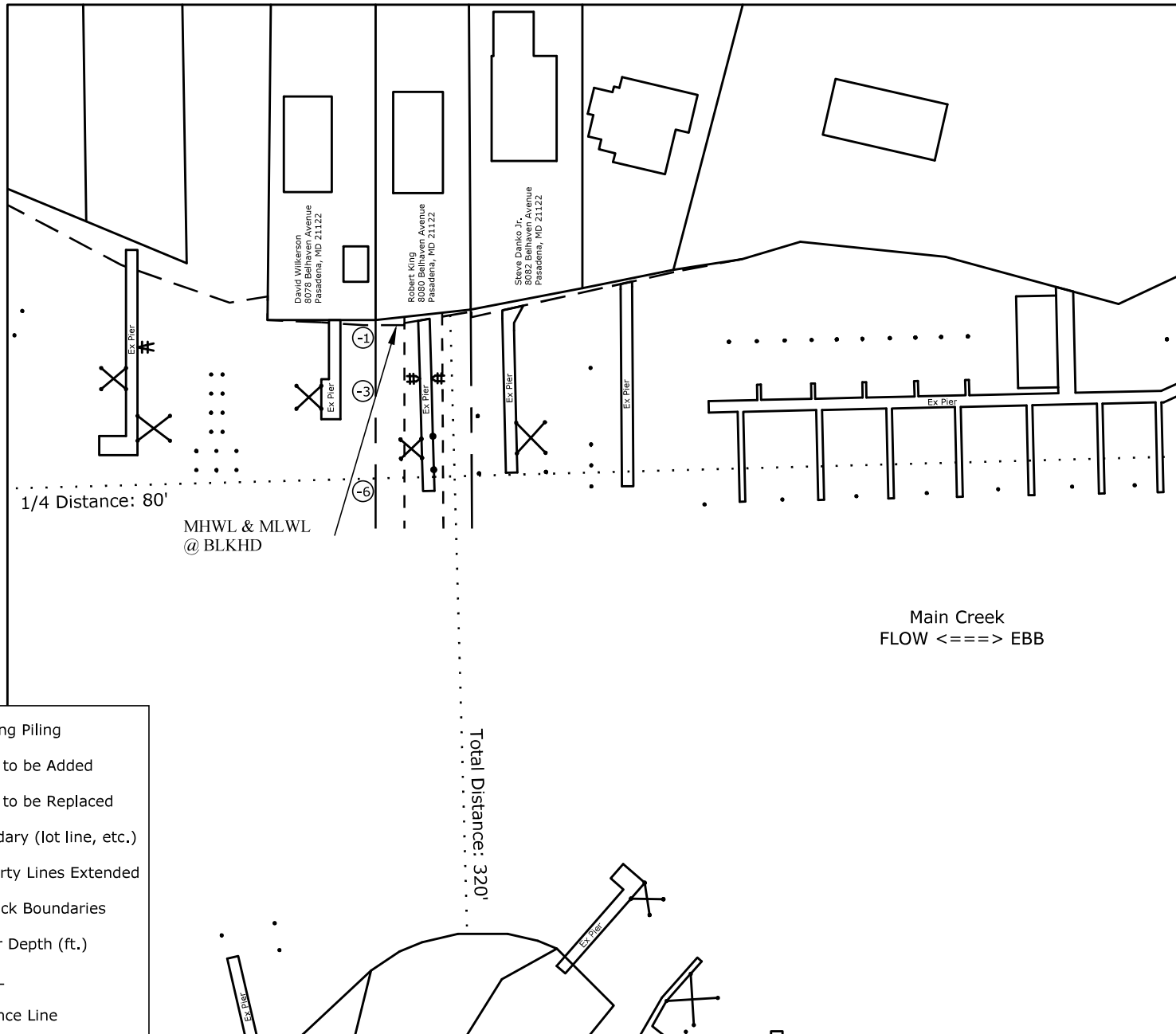
Piers with associated slips are a common feature of waterfront properties, and the neighborhood contains piers and pilings in the area, some of which are nonconforming with regard to setbacks. Therefore, the proposed variance will not alter the essential character of the neighborhood and will not be detrimental to the public welfare. Based on the variance granted at the neighboring property, approval of the variances will not impair the appropriate use or development of adjacent property, and will not impede navigation to any abutting property. As such, this Office supports the requested variances.

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 variances to § 18-2-404(b) to allow four (4) mooring pilings 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.

Existing Detail Condition - Entire Site



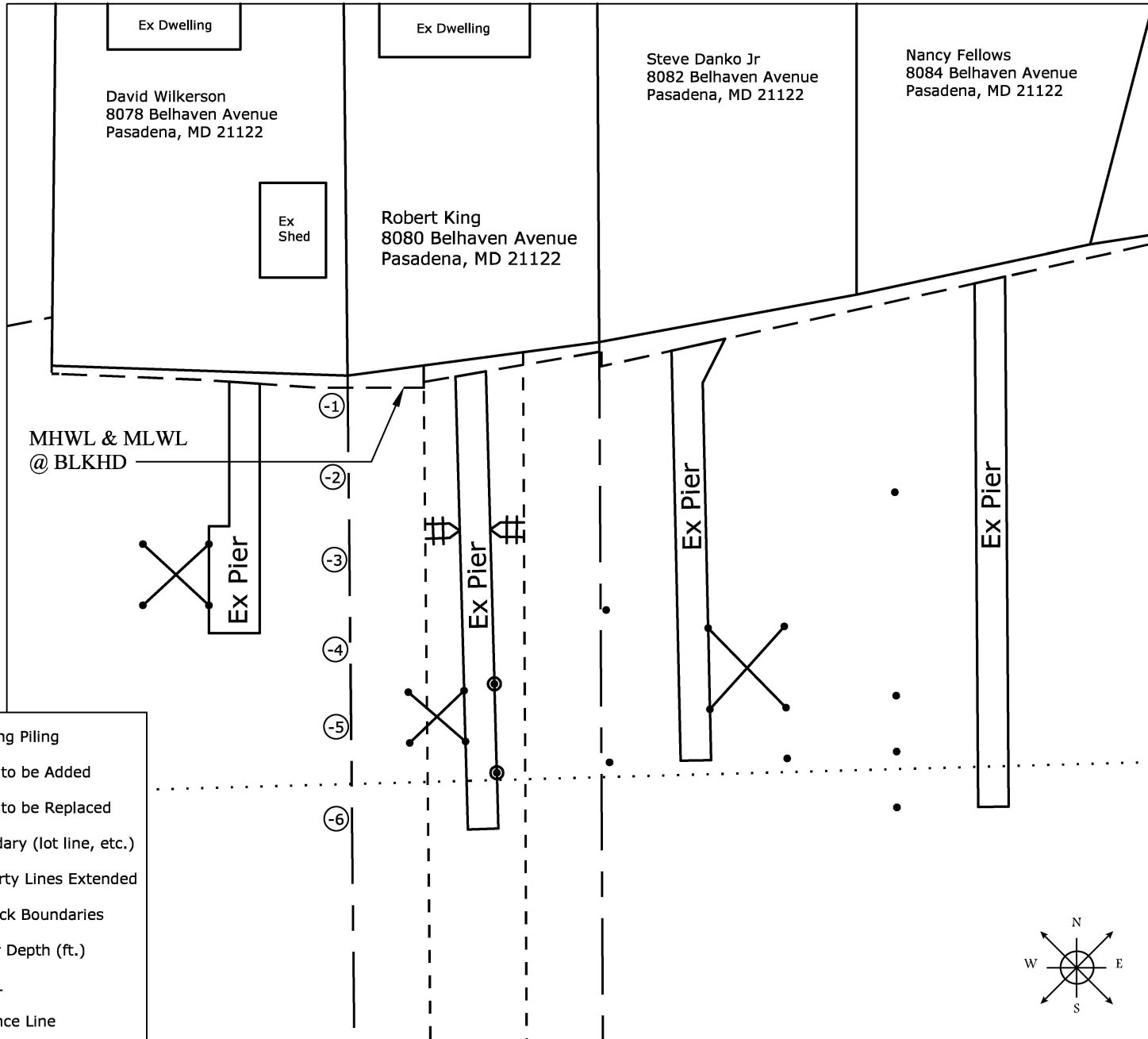
Legend

	Existing Piling
	Piling to be Added
	Piling to be Replaced
	Boundary (lot line, etc.)
	Property Lines Extended
	Setback Boundaries
	Water Depth (ft.)
	MHWL
	Distance Line

Applicant: Robert King
 Property Address: 8080 Belhaven Avenue, Pasadena, MD 21122
 Tax-ID: 03-110-03435577
 Project Description: Replace 2 pier pilings, install 2 pier pilings, and install 4 pilings within the eastern setback for a boat lift.

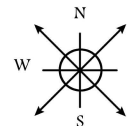
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 Date: February 15, 2024
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Existing Detail Condition



Legend

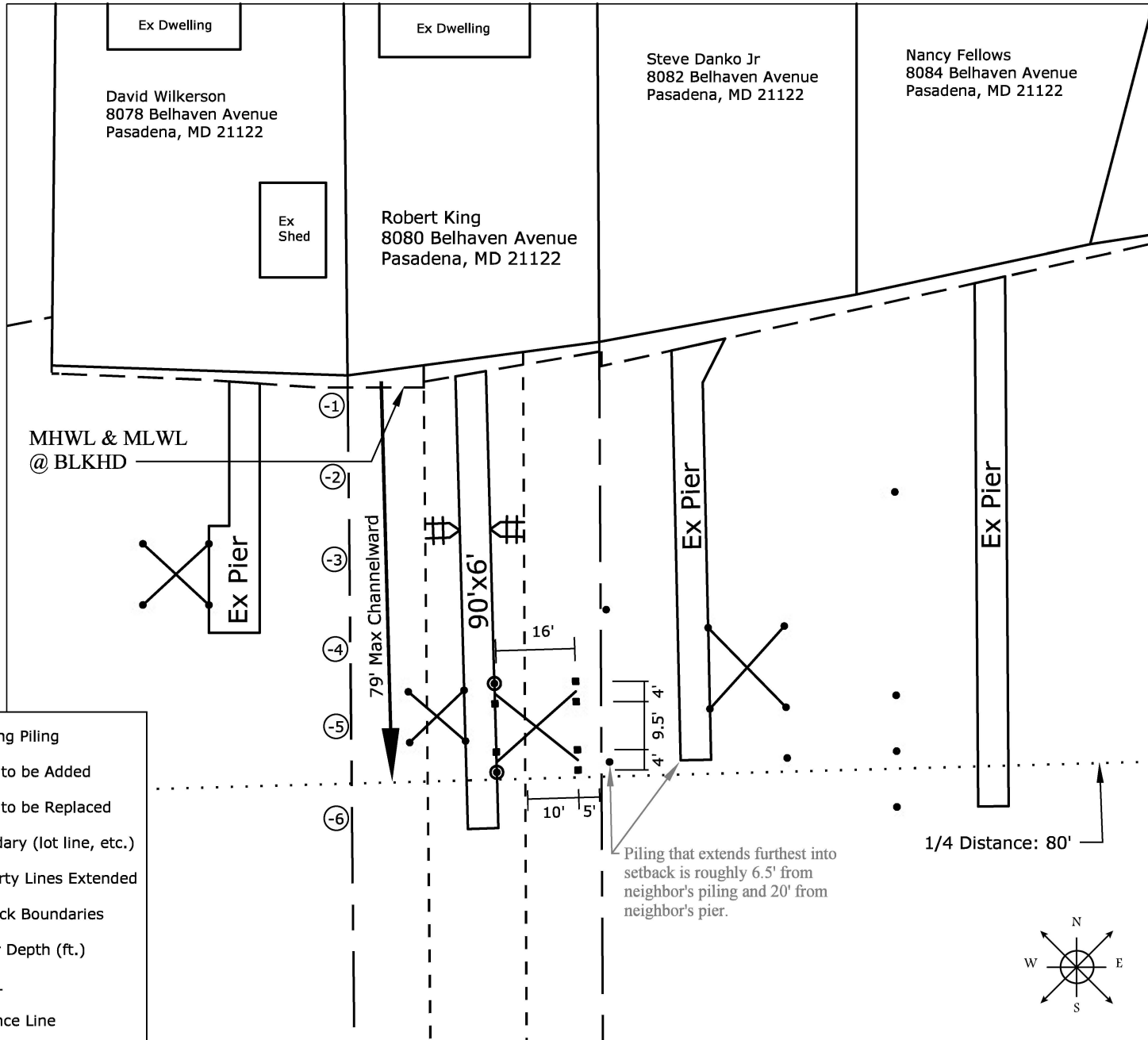
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Scale: 1"=30'
Date: February 15, 2024
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Proposed Detail Condition



Legend

	Existing Piling
	Piling to be Added
	Piling to be Replaced
	Boundary (lot line, etc.)
	Property Lines Extended
	Setback Boundaries
	Water Depth (ft.)
	MHWL
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Date: February 15, 2024
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Anne Arundel County Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Date: February 15, 2024

Client: Robert King
Site Address: 880 Belhaven Avenue, Pasadena, MD 21122
Subject: Letter of Explanation for Variance

To Whom It May Concern:

The homeowner, Robert King, is requesting authorization to replace two pier pilings, install two pier pilings, and install four pilings for a boat lift. Four of the pilings are to be installed within the eastern setback of the property. The homeowner has two boats with only one boat lift currently. A boat lift is required for the homeowner's second boat to provide protection, security, and maintenance. As the side of the existing pier that does not currently have a boat lift is roughly 6 feet from the eastern setback line, there is no alternative option to avoid requiring a variance to install a new boat lift with its associated pilings. The variance is the minimum variance necessary to allow the homeowner to keep both of their boats on their property.

There is 50 feet of waterfront property in total, and the existing pier is approximately 90 feet by 6 feet. There is currently one boat lift on the western side of the pier and two jet ski lifts closer to land, one on each side of the pier. It is important to note that many of the neighboring piers have multiple boat slips and boat lifts allowing for several boats.

The new pilings will be installed 16 feet from the east side of the pier, and they will be installed at approximately 61.5 feet, 65.5 feet, 75 feet, and 79 feet channelward from the existing bulkhead. The boat lift will be 17.5 feet by 16 feet.

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

Sincerely,

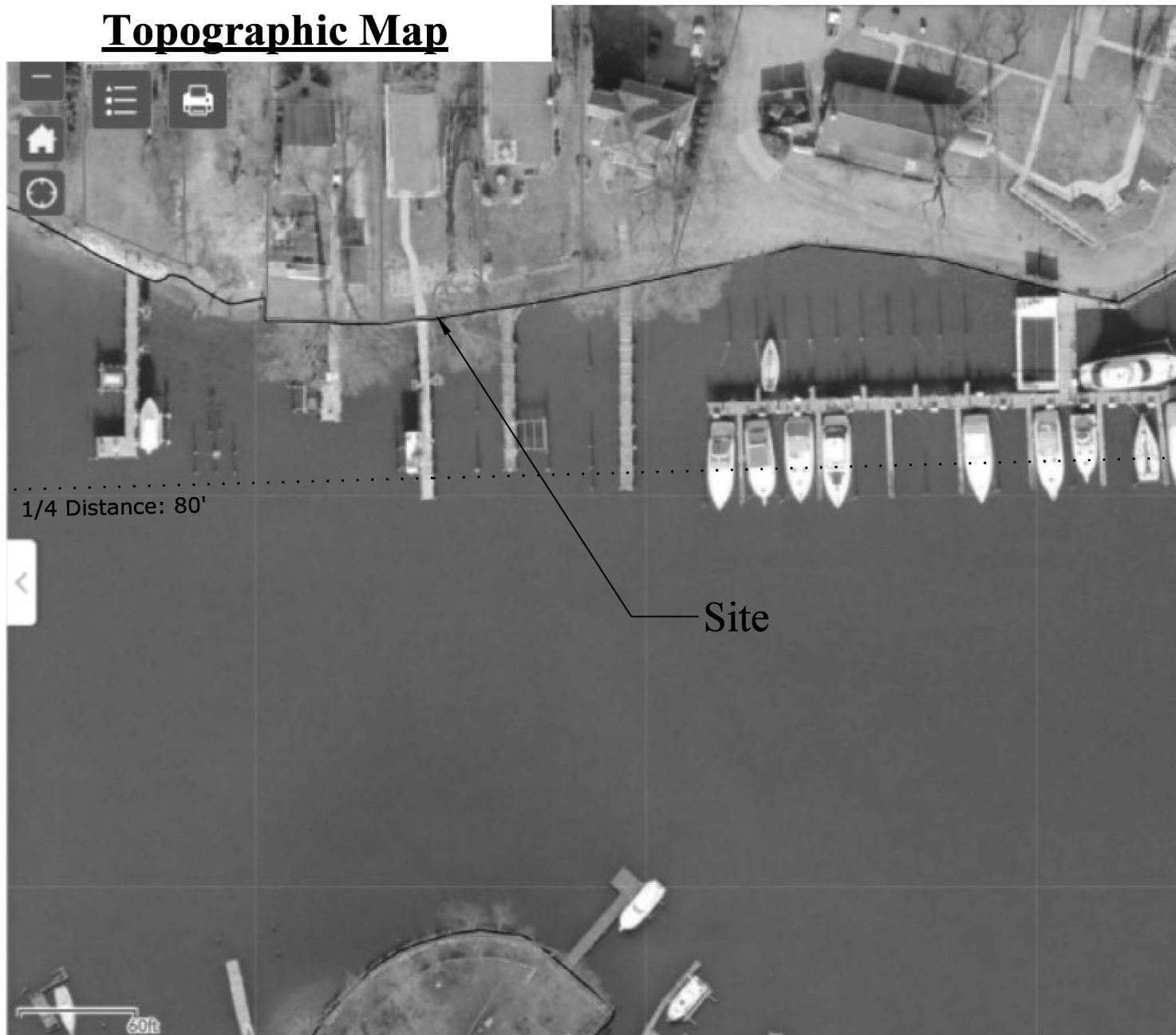
Joshua Jacobs
Chief Executive Officer

Homeowner: Robert King

Signature:

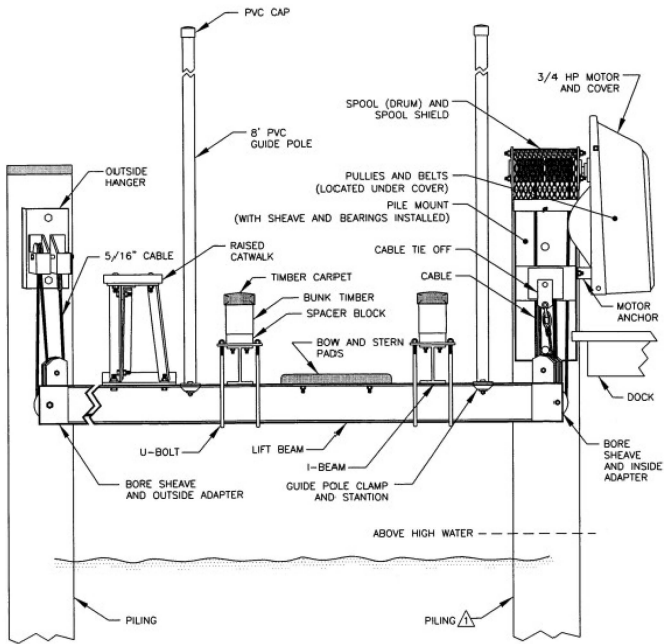
Headquartered in Pasadena, MD
AnchoredMC.com
(443) 883-6598
upandoutservices@gmail.com

Topographic Map

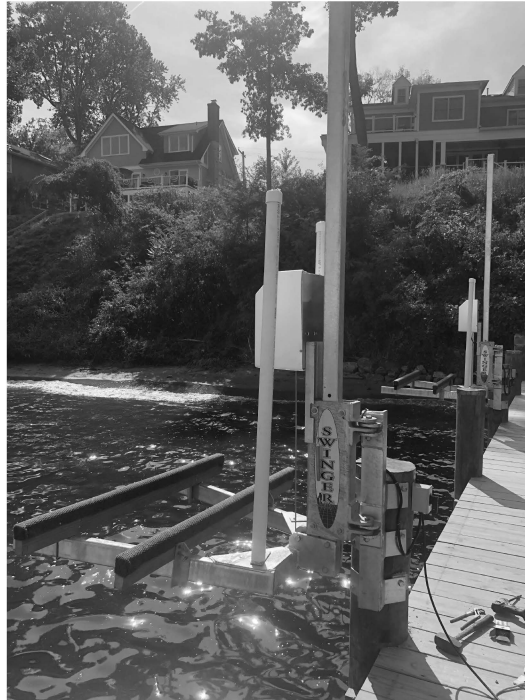


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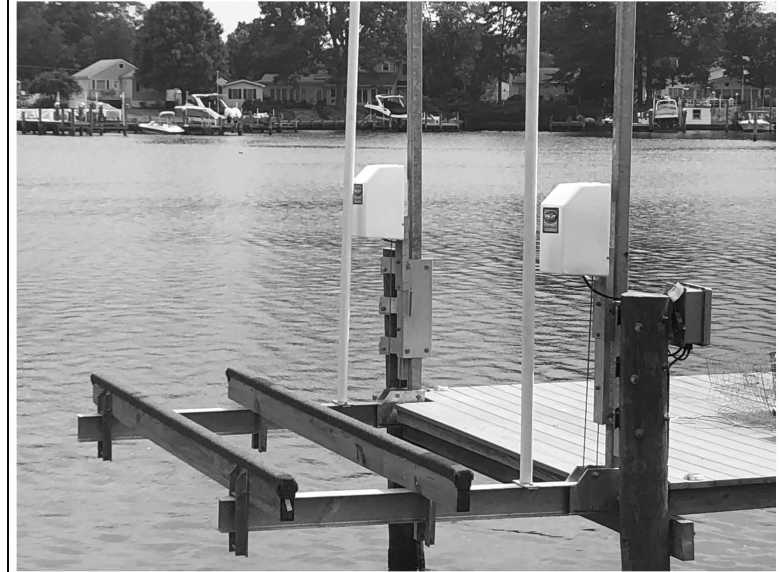
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1,500lbs. Single Piling Swinger PWC Lift



3,000lbs. 2 Piling BoatLift



10,000lbs. 4 Piling BoatLift



20,000lbs. 4 Piling BoatLift

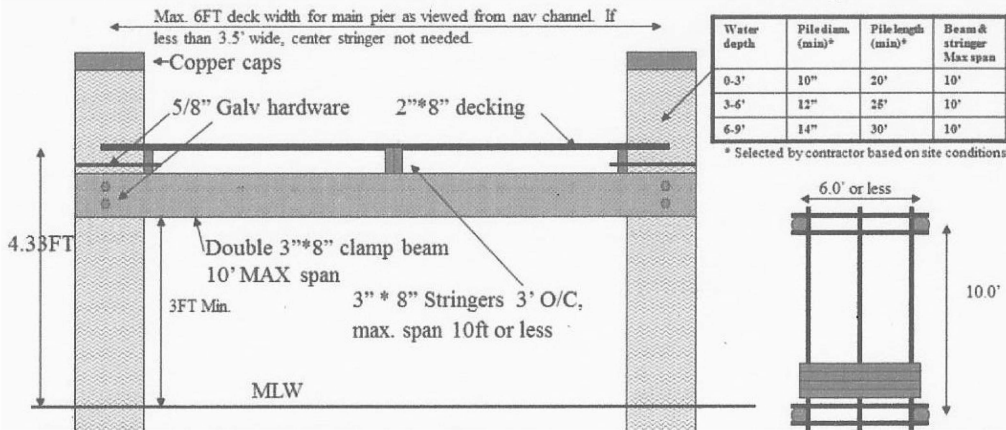


Stock Photos

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 Tax-ID: 03-110-03435577
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Scale: 1" = NTS
 Date: February 15, 2024
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Pier Construction Drawing



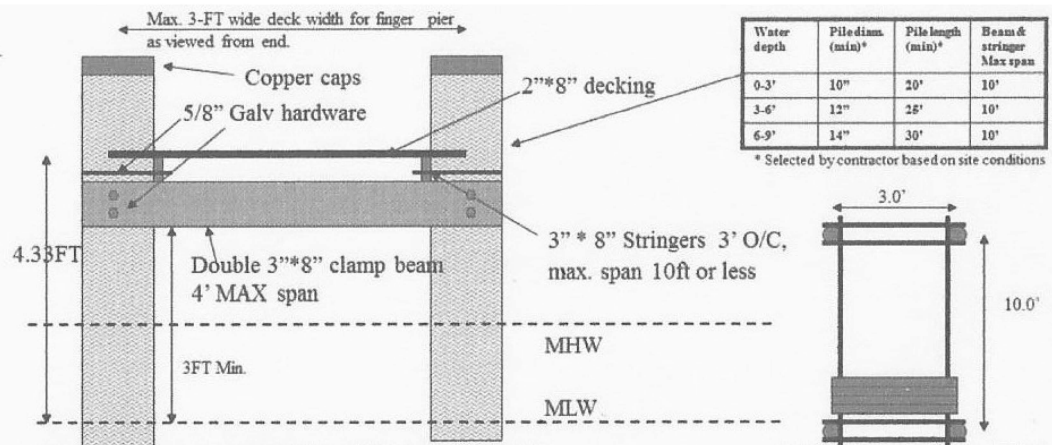
- Pilings, marine grade pressure treated AWP STD, 1.5lb cu/ft CCA or better type C
- Pilings driven to point of **SIGNIFICANT** resistance or refusal and **AT LEAST** as much below seabed as above
- Framing, beams & stringers 1.0lb cu/ft CCA or better. Decking 0.5lb cu/ft ACQ or better
- All nails 20d 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

Scale: NTS

NOTE: BAY-FRONT PIERS TYPICALLY ELEVATED AN ADDITIONAL 2 FT+/- TO ACCOMMODATE STORM/WAVE CONDITIONS. NO MINIMUM PILING HEIGHT ABOVE STRINGERS.

Stock Photos

Finger Pier Construction Drawing



- Pilings, marine grade pressure treated AWP 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

Scale: NTS

NOTE: longer spans require custom specified, larger stringers, clamp beams, and bolts.

Applicant: Robert King

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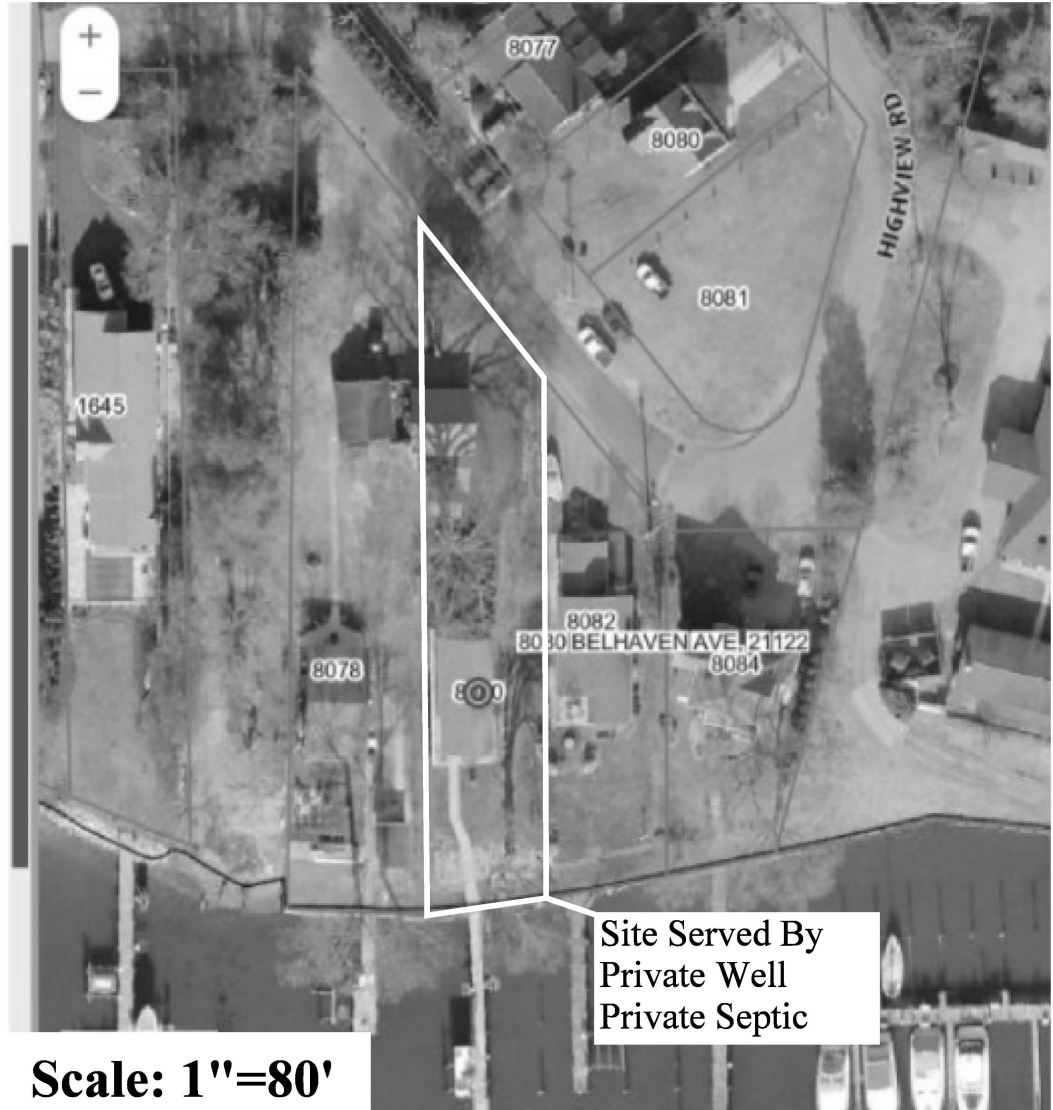
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Project Description: Replace 2 pier pilings, install 2 pier pilings, and install 4 pilings within the eastern setback for a boat lift.

Scale: 1" = NTS
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Utilities Map

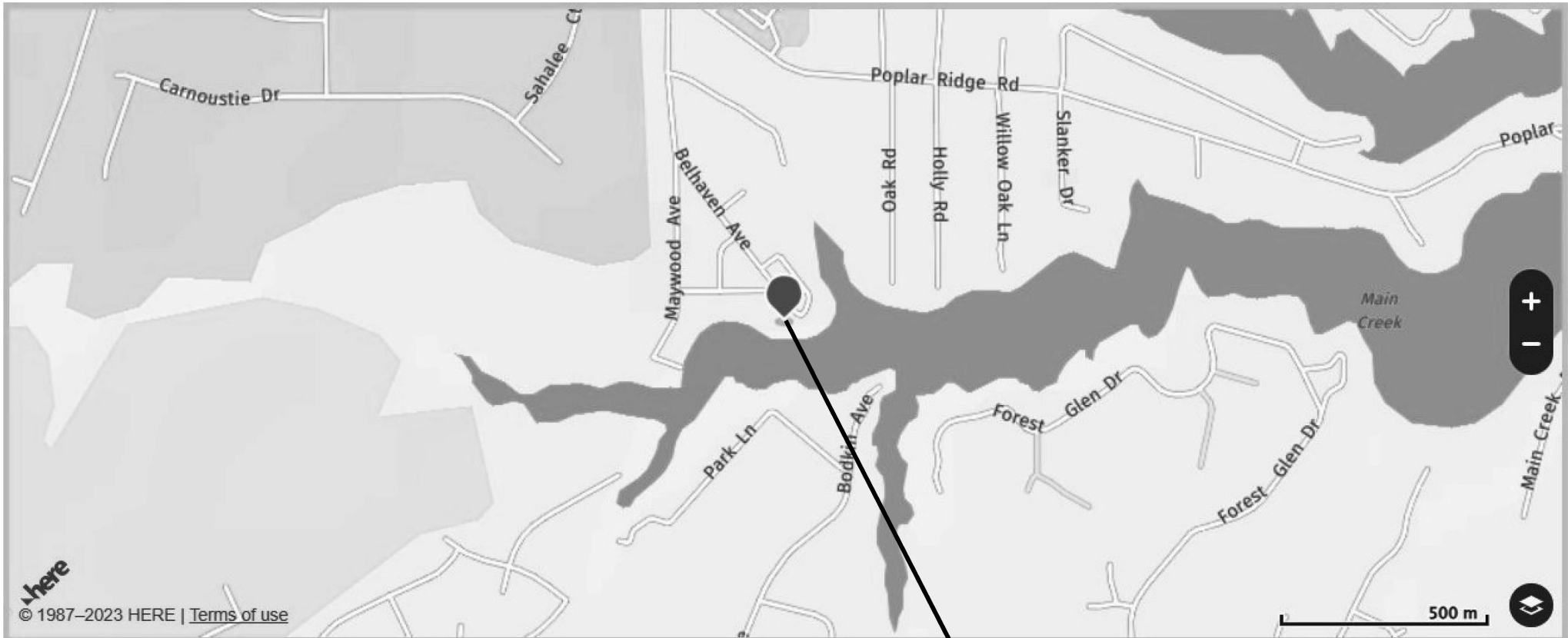
- Utility
- As Built Grid
- Sewer
 - Sewer Cleanouts
 - Sewer Mains
 - Sewer Manholes
 - Sewer Pump Stations
 - Sewer Service Lines
 - Sewer Treatment Plants
- Water
 - Water Hydrants
 - Water Mains
 - Water Meter Vaults
 - Water Pump Stations
 - Water Storage Tanks
 - Water Service



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Vicinity Map

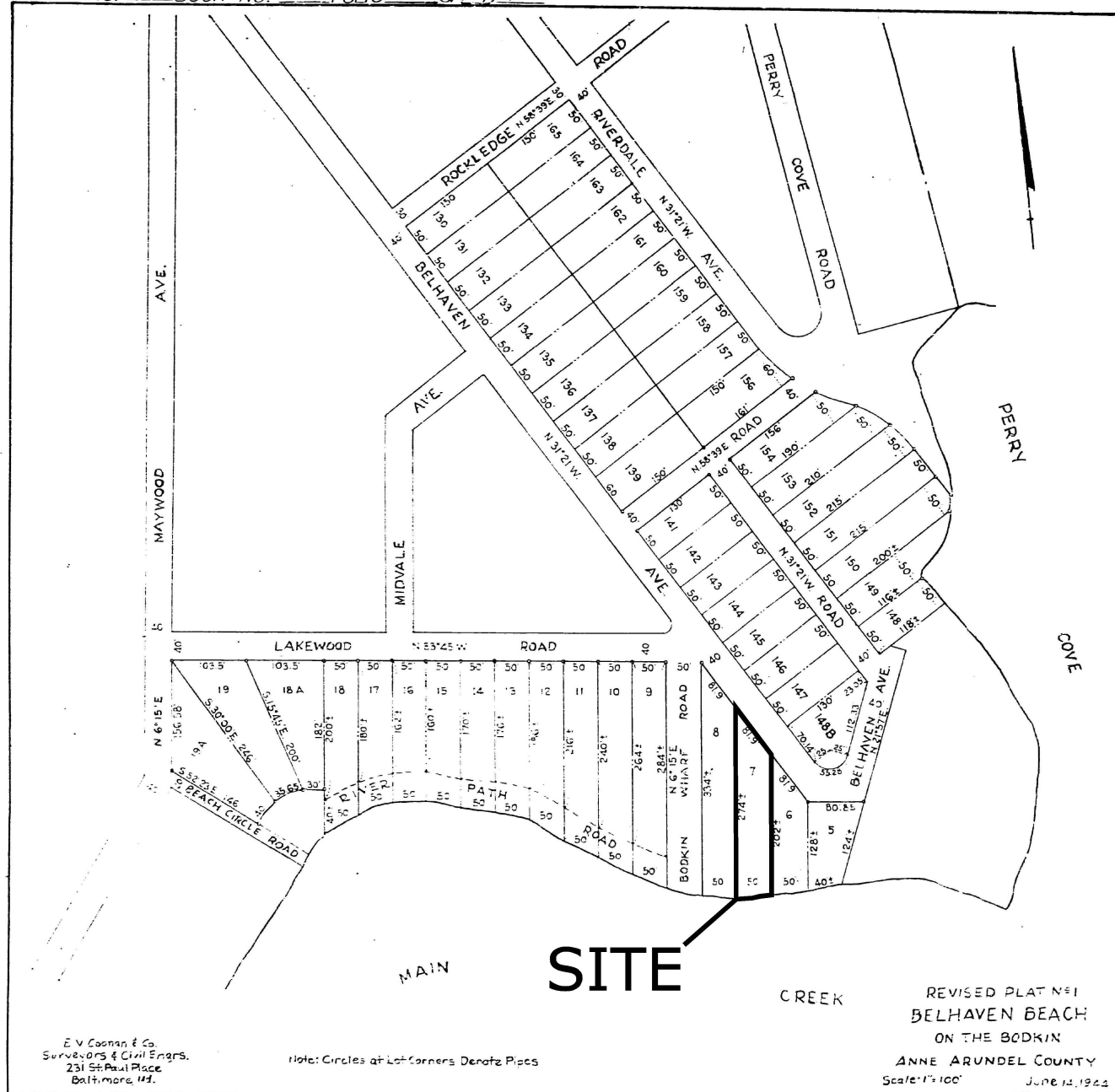


SITE

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Plat



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Scale: 1"=NTS
 Date: February 15, 2024
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2024-0031-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

02/20/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

This variance application has been submitted prior to a building permit application for the proposed pier expansion. The property line extensions are correct and drawn according to the requirements of 18-2-404(b)(2). A previous variance was approved for the boat lift pilings to the West of the pier and for an extension to the pier length. The proposed 16' wide boat lift is larger than the typical boat lift on smaller properties. The question should be asked if a second boat lift necessitating additional variance approval meets the requirements of Article 18-16-305(a) and (c)(1). It should also be noted that the requested variance may not meet the requirements of 18-16-305(c)(2)(ii).

The site plan does not show a third piling and boat lift that appears in recent aerials adjacent to the East of the subject pier. The site plan identifies the proposed distance between the closest pilings at roughly 6.5'. It should be noted that approval of the variance request for boat lift pilings on the East side of the pier will significantly limit access to the inside of not only the applicant's pier but also that of its neighbor. Aside from the access concern, the critical area team has no objection.

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

Task Specific Information**Expiration Date****Reviewer Phone Number**

410-222-6136

Review Notes**Reviewer Email**

PZMATH20@aacounty.org

Due Date

03/12/2024

Assigned to Department

OPZ Critical Area

Status Date

03/06/2024

Overtime

No

Start Time**Hours Spent**

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

- Display E-mail Alerts
- Display Comments

Reviewer Name

MELANIE MATHEWS



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: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

DATE: March 14, 2024

RE: 2024-0031-V
Robert T. King
8080 Belhaven Ave
Pasadena, MD 21122

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow mooring piles 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

8080 Belhaven Avenue - 2024-0031-V



Legend

Foundation

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.

Nearmap

Notes February 2024 aerial (detail)



0 40 80 ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION