

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

APPLICANT: Todd and Joelle Blakaitis

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0234-V

COUNCIL DISTRICT: 5

HEARING DATE: July 2, 2024

PREPARED BY: Jennifer Lechner
Planner II



REQUEST

The applicants are requesting a variance to allow a pier with greater length than allowed and a pier and pilings with less setbacks than required on property located at 372 Forest Beach Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 5.3 acres of land and is located with approximately 255 feet of frontage on the northside of Forest Beach Road. It is identified as Parcel 112 in Grid 9 on Tax Map 46 in the Browns Woods subdivision. The property is primarily zoned R1 – Residential District with a section of OS - Open Space District along the northern property line. The current zoning was adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. The waterfront lot lies entirely within the Chesapeake Bay Critical Area, and is designated as LDA – Limited Development Area with a section of RCA - Resource Conservation Area along the northern property line. It is improved with a two-story dwelling, a detached garage, inground swimming pool, and associated facilities.

PROPOSAL

The applicants propose to construct a 6' wide by approximately 192' long pier including a 10' x 6' platform, with 2 boat lift pilings, 1 mooring piling, 1 boat lift, and 3' wide access steps.

REQUESTED VARIANCES

§ 18-2-404(c) of the Anne Arundel County Zoning Ordinance provides that a pier or mooring piling may not extend into the water any further than one-half the distance from the mean high-water line to the center point of a cove.

- The proposed pier (V1 on the site plan) will extend 8 feet past the quarter channel line, necessitating a variance of 8 feet.
- The proposed northernmost mooring piling (V2 on the site plan) will extend 16 feet past the quarter channel line, necessitating a variance of 16 feet.

- The proposed middle mooring piling (V3 on the site plan) will extend 10 feet past the quarter channel line, necessitating a variance of 10 feet.
- The proposed southernmost mooring piling (V4 on the site plan) will extend 7.5 feet past the quarter channel line, necessitating a variance of 8 feet.

§ 18-2-404(b) provides that a private pier or mooring piling shall be located at least 15 feet from a lot line extended.

- The proposed pier (V1 on the site plan) will extend 120 feet past the eastern side lot line extended, necessitating a variance of 135 feet.
- The proposed northernmost mooring piling (V2 on the site plan) will extend 115 past the eastern side lot line extended, necessitating a variance of 130 feet.
- The proposed middle mooring piling (V3 on the site plan) will extend 100 feet past the eastern property line extension, necessitating a variance of 115 feet.
- The proposed southernmost mooring piling (V4 on the site plan) will extend 90 feet past the eastern property line extension, necessitating a variance of 105 feet.

FINDINGS

The subject property is oversized in relation 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 County aerial photography shows that the shoreline of the subject site is located in a shallow, narrow cove.

Building permit B02411105, to construct a walkway, steps & landings, was submitted on August 31, 2022, and remains pending.

Building permit B02411106, to construct a pier with a platform and steps, and three piles, was submitted on August 31, 2022. Variance approval must be obtained prior to the building permit being issued.

The applicants' letter explains that due to the practical difficulties of the unique shape of the cove, the shallow water depths, and the converging property lines, the proposed pier, platform, and pilings require variances in order to access navigable water.

Agency Comments

The **Development Division (Critical Area Team)** notes that due to its location and orientation in the cove and shallow water depth, the subject property lacks suitable space for large watercraft. Their Office recommends denial of this variance request.¹

The **Health Department** has no objection to the variance request.

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

In this particular case, the subject property's shoreline is located at the end of a narrow, shallow cove. The extended side lot lines, and resulting setbacks, converge into a wedge of buildable area over shallow water, resulting in the need for additional pier length in order to reach a usable water depth. Some variance relief may be warranted due to the convergence of the extended lot lines; however, not all waterfront properties can accommodate every owner's desired pier. There are certain innate limitations of a lot with an angled shoreline and limited water area that should be expected, and the proposed 6' x 192' pier appears to be excessive for this particular location. In addition, it is possible to construct a modest-sized pier which would eliminate or greatly reduce the need for relief.

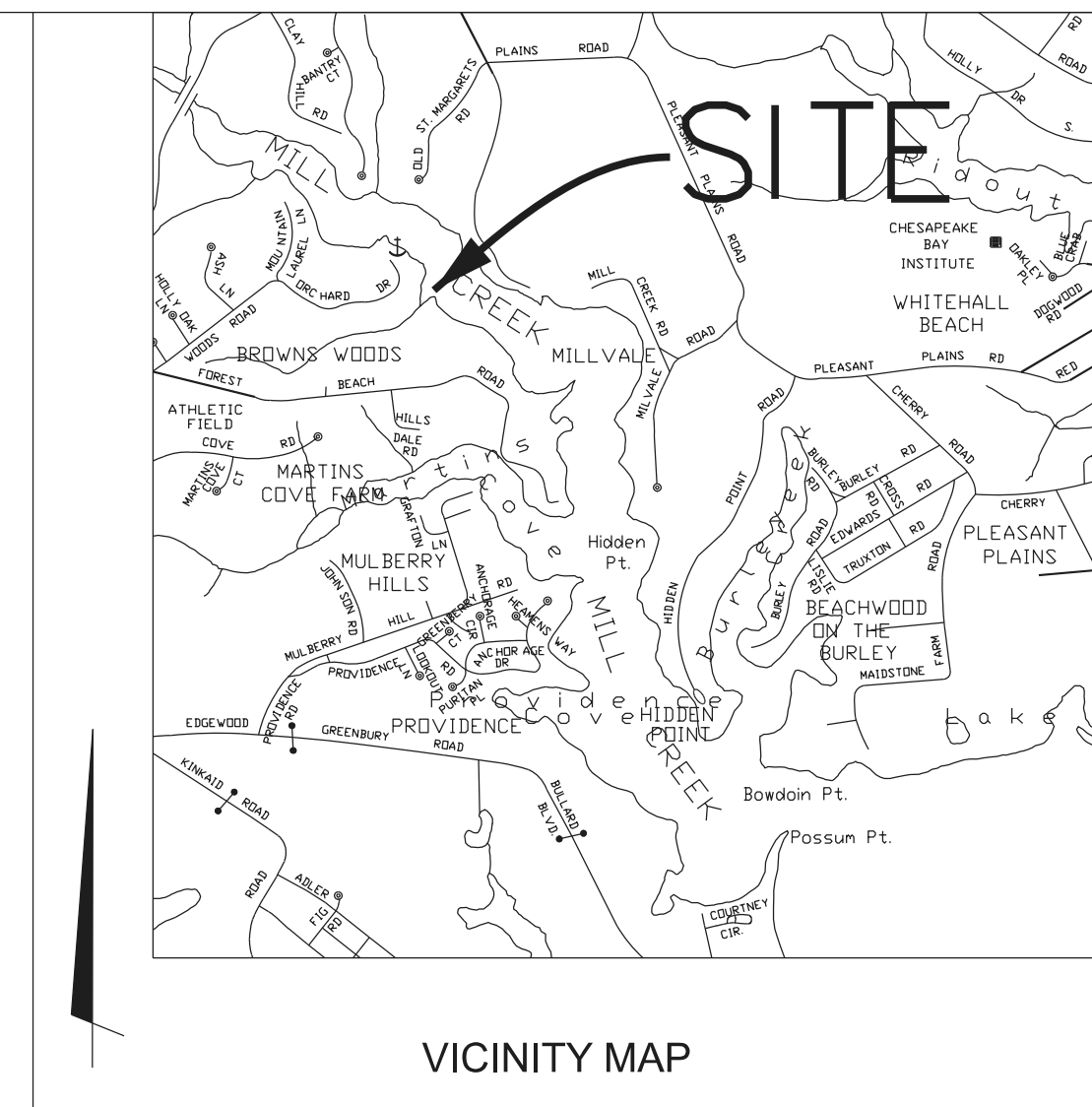
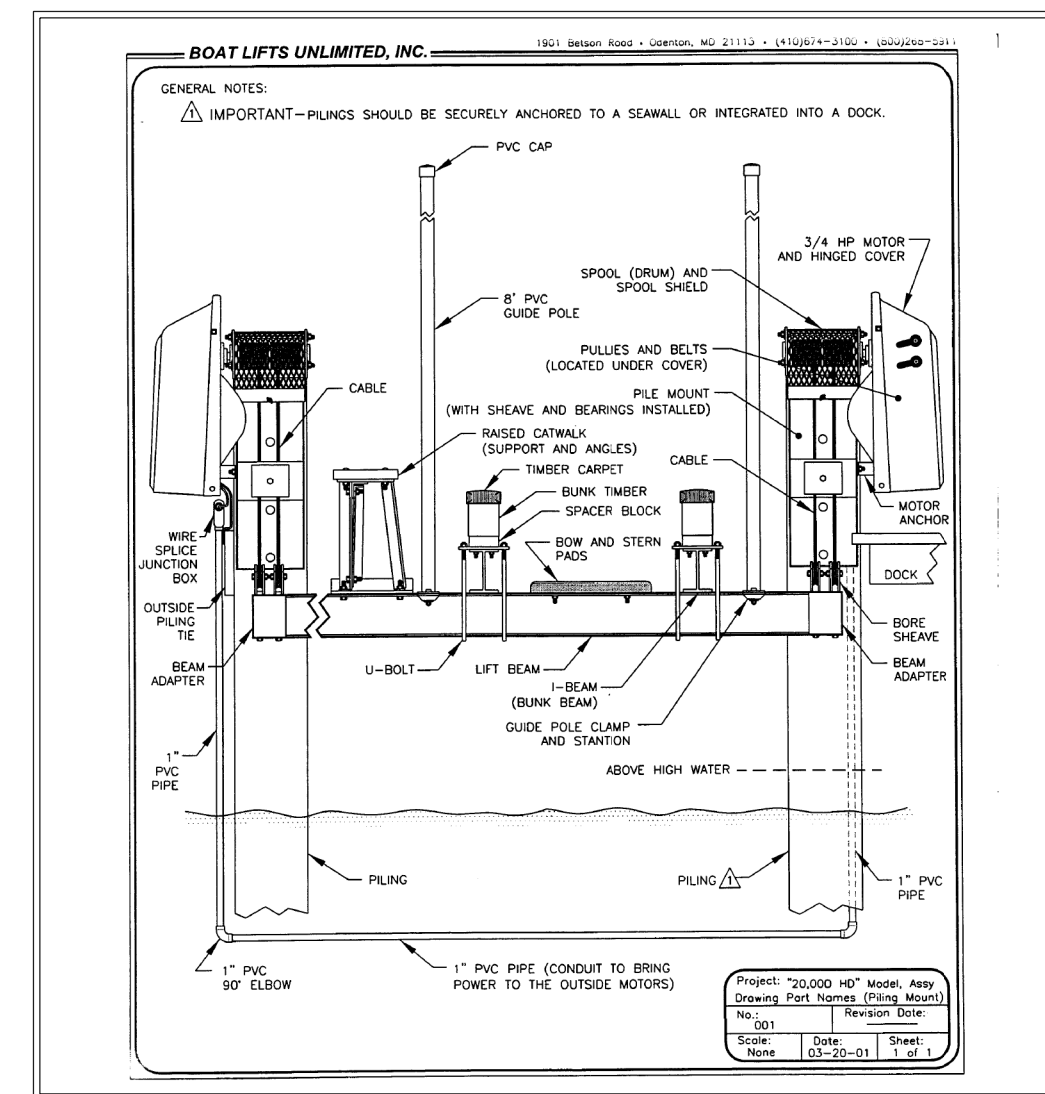
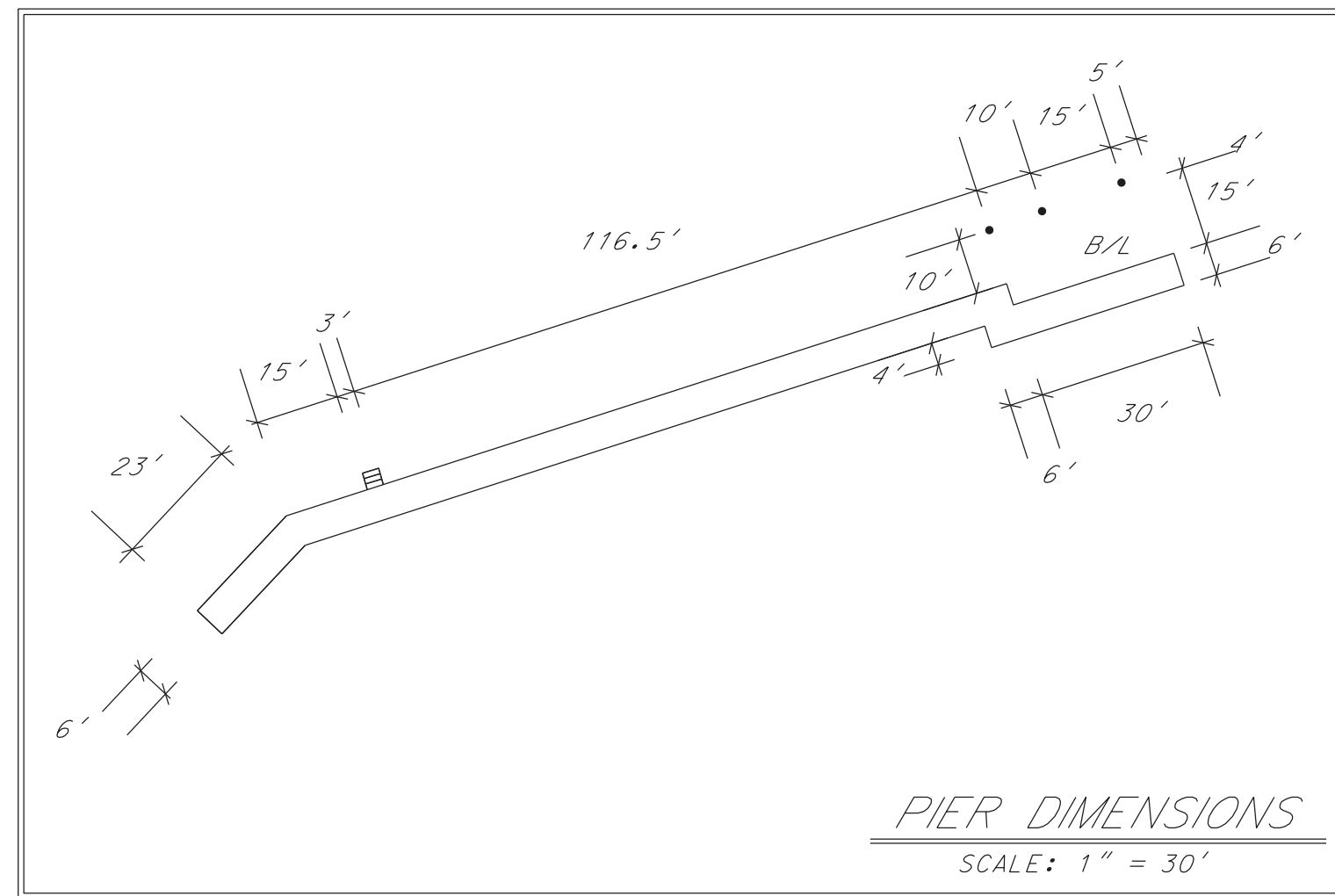
The proposed 120-foot projection beyond the extended property lines may negatively impact current or future navigability within the cove. Approval of the variances for such a large pier, and its associated mooring pilings, may alter the essential character of the neighborhood, impair the appropriate use or development of the adjacent properties, and be detrimental to the public welfare by creating navigational challenges for boaters departing the west side of the north-positioned marina and from the pier on the opposite shore. More importantly, due to the excessive size of the pier, and the possibility to construct a smaller pier, the variances are not considered to be the minimum necessary to afford relief and cannot be supported by this Office.

RECOMMENDATION

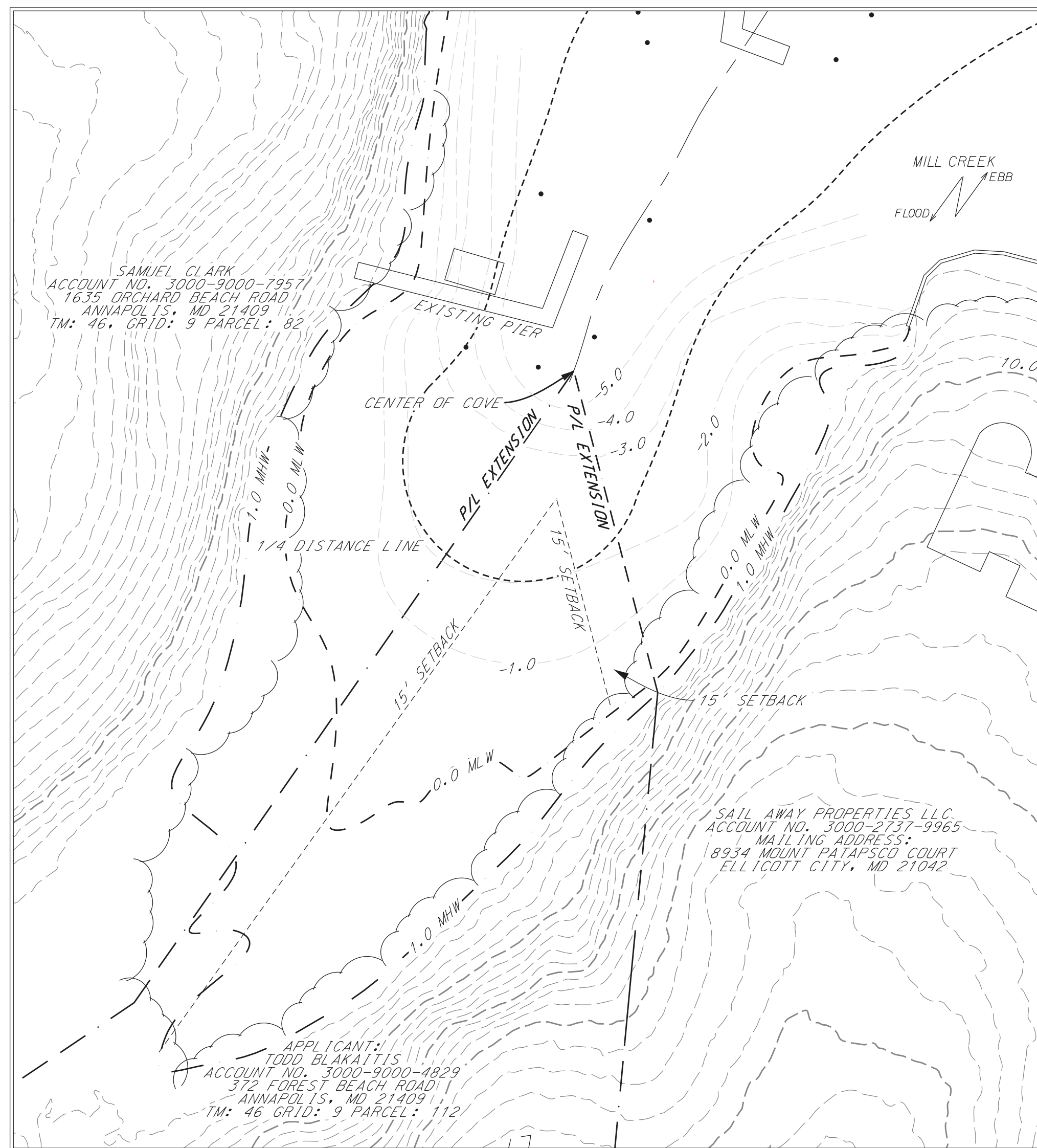
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the requested variances to § 18-2-404 to allow a pier with greater length than allowed and a pier and pilings with less setbacks than required, as shown on the site 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.

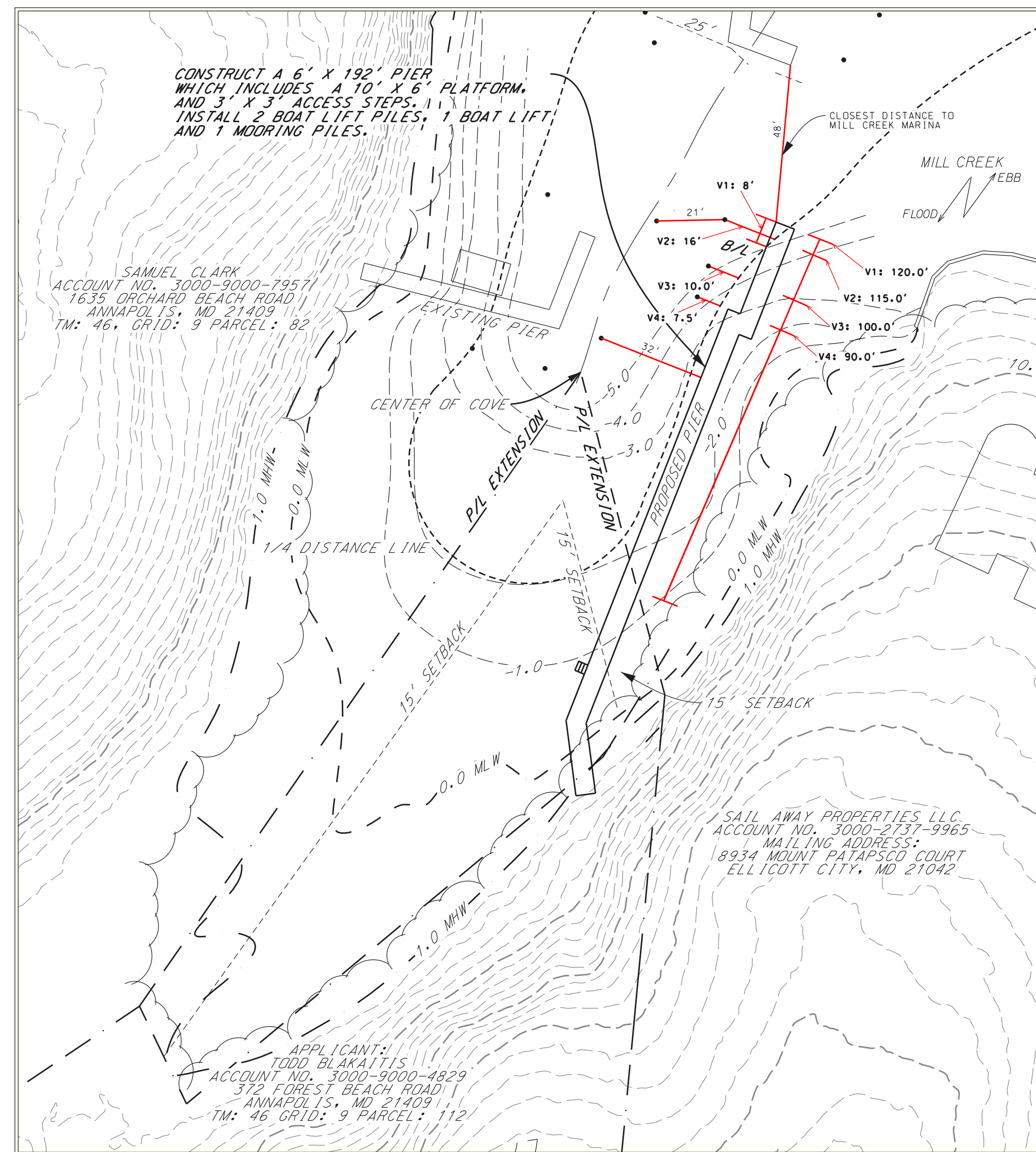
1. A VARIANCE OF 8' TO THE 1/4 CHANNEL LINE AND 120' TO THE EASTERN PROPERTY LINE EXTENSION TO ALLOW THE CONSTRUCTION OF A 6' X 192' PIER. (REFERENCED AS V1)
2. A VARIANCE OF 16' TO THE 1/4 CHANNEL LINE EXTENSION AND 115' TO THE EASTERN PROPERTY LINE TO ALLOW THE INSTALLATION OF 1 BOAT LIFT PILE. (REFERENCED AS V2)
3. A VARIANCE OF 10' TO THE 1/4 CHANNEL LINE EXTENSION AND 100' TO THE EASTERN PROPERTY LINE EXTENSION TO ALLOW THE INSTALLATION OF 1 BOAT LIFT PILE. (REFERENCED AS V3)
4. A VARIANCE OF 10.0' TO THE 1/4 CHANNEL LINE EXTENSION AND 90' TO THE EASTERN PROPERTY LINE EXTENSION TO ALLOW THE INSTALLATION OF 1 MOORING PILE. (REFERENCED AS V4)



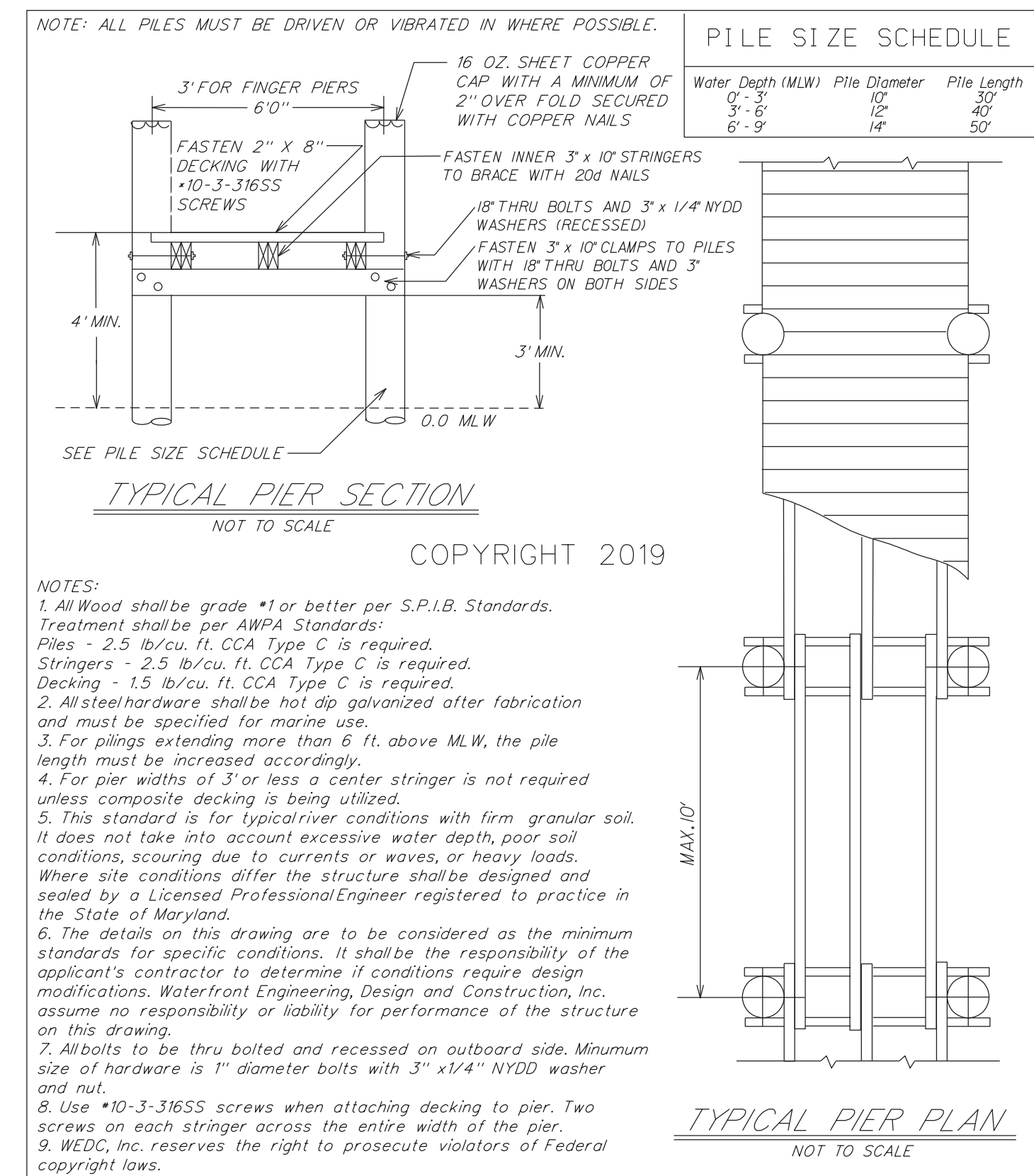
- NOTE:**
- Entire site lies within R1 zoning
 - Entire site lies within the Chesapeake Bay Critical Area (LDA)
 - Entire site lies within a Private Service Area with a private septic system
 - Entire site lies within a Public Service Area with public water service
 - Entire site lies within the Chesapeake Bay Watershed











EXISTING CONDITIONS SITE PLAN
SCALE: 1"=30'



PROPOSED SITE PLAN
SCALE: 1"=30'



LEGEND

	Existing Contour
	Existing Property Line
	Existing/Proposed Improvements
	Property Line Setback
	100' Buffer to Tidal Waters
	Existing Site Tree Canopy
	Centerline of Waterway
	Limit of Disturbance

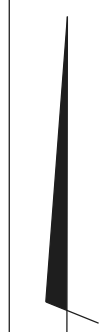
DESIGNED: SCM	DRAWN: CRS	REVISIONS TO APPROVED PLANS			
ORIG. DATE: 10/19/2023		No.	DATE	BY	DESCRIPTION
MODIFIED BY/DATE:					
CAD DWG # Blakaitis, Todd - Final REV.dgn					
WDC PROJECT # 2023-10-19					
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8348 Ritchie Highway
Pasadena, Maryland 21122
Phone: (410) 798-1494
Email: Waterfrontdesign@verizon.net
www.waterfrontedc.com

PROPERTY OWNER(S):

TODD BLAKAITIS
372 FOREST BEACH ROAD
ANNAPOLIS, MD 21409
301-529-6511
toddjb123@yahoo.com



ADMINISTRATIVE SITE PLAN PROPOSED PIER IMPROVEMENTS BROWNS POINT

372 FOREST BEACH ROAD, ANNAPOLIS, MARYLAND, 21409
TAX ACCT. NO. 3000-9000-4829
TAX MAP: 46 GRID: 0009 PARCEL: 112 DISTRICT: 5TH
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=30'

DATE: April 18, 2024

PROJ. NO: 2023-10-19

SHEET 1 OF 1

Todd Blakaitis and Joelle Blakaitis (the “**Applicant’s**”) propose to construct a private residential pier at their waterfront home, 372 Forest Beach Rd, Annapolis, Maryland 21409 (the “**Property**”), which has approximately ± 225 linear feet of frontage on Mill Creek. The Applicant’s Property is approximately ± 5.3 AC and is zoned R1. Pursuant to the Anne Arundel County Code (the “**Code**”), **§18-4-106**, “Piers, private residential, if accessory to a dwelling unit” is permitted by right in the R5 zoning district.

The Applicants are proposing a 192-foot pier with a 10-foot by 6-foot platform, 2 boat lift piles, 1 boat lift, 1 mooring pile, and 3-foot wide access steps. Due to the unique shape of the cove, shallow water depths, and the converging property lines of the Applicant’s Property, the proposed pier, platform, and pilings would require variances to the required Quarter Channel Line and the property line extension. The Applicant’s proposed pier configuration is the minimum necessary to allow the Applicant reasonable access to navigable water at a depth ranging from -2.0 feet up to -5.0 feet at mean low water (0.0 feet).

The location, setbacks, and length requirements for piers and mooring pilings are spelled out in Code, **§18-2-404**, “Piers and mooring pilings.” Subsection (b) of said Code provision reads, in pertinent part, as follows:

“(b) **Setbacks.** A pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier [...]. The Office of Planning and Zoning determines the method of the lot line extension in accordance with one or more of the following methods:

- (1) From the side lot line at a 90 – degree angle to the shoreline;
- (2) From the extension of the last course of the lot line into the waterway;
- (3) From the side lot lines to the center of cove; or
- (4) From the side lot lines generally parallel with existing piers located on adjacent lots.

In the Applicant's case, method (3) is being utilized for the eastern property line extension, and a modified method (4) is being utilized on the western property line extension because of the historic “L” shaped pier located at 1635 Orchard Beach Rd. The Applicants are proposing a setback solution that combines several provisions. The proposed pier will extend approximately parallel with the adjacent “L” pier off the northeast corner property corner. Given that the historic “L” is non-conforming to modern riparian rights regulations, the modified property line extension is the only feasible solution. Strict compliance with the provisions of the Code results in practical difficulties for the Applicant due to the unique physical conditions of the Applicant’s Property. Accordingly, the Applicant is requesting three (3) variances to Code, **§18-2-404(b)**. The variances requested are:

1. 8 feet to the Quarter Channel Line and 120 feet to the eastern property line extension to allow the construction of a 6' x 192' pier. (Referenced as V1 on the Admin Sheet)
2. 16 feet to the Quarter Channel Line Extension and 115 feet to the eastern property line to allow the installation of 1 boat lift pile. (Referenced as V2 on the Admin Sheet)
3. 10 feet to the Quarter Channel Line Extension and 100 feet to the eastern property line extension to allow the installation of 1 boat lift pile. (Referenced as V3 on the Admin Sheet)
4. 10 feet to the Quarter Channel Line Extension and 90 feet to the eastern property line extension to allow the installation of 1 mooring pile. (Referenced as V4 on the Admin Sheet)

The requested variances satisfy the general variance requirements of Code, **§18-6-305(a)** **and (c)**. The Applicants could not construct the functioning pier without the requested variances, which are the minimum variance necessary to afford the Applicant's relief.

The requested variances will not substantially impair the appropriate use or development of adjacent properties. Several of the surrounding properties have existing piers, boat lifts, and platforms. Access to and from the neighboring piers will remain unaffected by the construction and use of the Applicant's proposed pier modification.

The variances requested by the Applicants will have no impact on the forest cover in the Critical Area, and there will not be any clearing or replanting in the Critical Area or bog protection area. The Applicants specifically designed the pier modification in a way to avoid any intrusion into the Critical Area to preserve the natural marsh area along the Applicant's shoreline. The proposed pier configuration ensures waterway functionality while limiting the impacts to shallow water habitats within the cove.

The requested variances will help ensure safe boating practices to and from the Applicant's replacement pier and will not be detrimental to the public welfare.

For all the foregoing reasons, the variances requested by the Applicants are necessary to avoid practical difficulties. Granting the variances maintains the intent and spirit of the law, secures public safety, and ensures that substantial justice is done.

June 2, 2023

Anne Arundel County
Office of Administration Hearings
PO Box 2700
Annapolis, MD 21404

Dear Mr. Douglas Clark Hollman,

We fully endorse the variance approvals requested of the Blakaitis' plan to construct a private residential pier from their waterfront home at 372 Forest Beach Rd. The plan variances for boat lift pile and platform beyond the quarter distance line and two piles inside the 15' setback are not concerning for environmental, riparian right of way, interference nor aesthetic reasons. We recommend this project should proceed as planned.

Approving this variance will allow them to build a standard and common pier found on any other waterfront property as the state and County codes do not fully address their specific waterfront geometry allowing them to reach navigable water. The Blakaitis' design has made several concessions to move as far as possible from our property edge at 378 Forest Beach Road while still allowing for right of way to the historic "L" pier at 1635 Orchard Beach Road. The construction of this pier also respects right of ways of the neighboring Mill Creek and Orchard Beach marinas while allowing the Blakaitis family of four boat access from their property at all tide levels.

Thank you for your time and consideration and we look forward to the approval of these variances.

Sincerely,



Ed and Tina Owens
Sail Away Properties
378 Forest Beach Road,
Annapolis, MD 21409



June 27, 2023

Anne Arundel County
Office of Administration Hearings
PO Box 2700
Annapolis, MD 21404

Dear Mr. Douglas Clark Hollman,

As the owners of the Orchard Beach Marina which sits at the mouth of the 372 Forest Beach Road cove, we fully endorse the variance approvals requested of the Blakaitis' plan to construct a private residential pier from their waterfront home. The plan variances for boat lift pile and platform beyond the quarter distance line and two piles inside the 15' setback are not concerning for environmental nor aesthetic reasons. Most importantly to our business at 1643 Orchard Beach road, the proposed pier does not represent any interference to riparian right of way for watercraft. We recommend this project should proceed as planned.

Approving this variance will allow them to build a standard and common pier found on any other waterfront property as the state and County codes do not fully address their specific waterfront geometry allowing them to reach navigable water. The Blakaitis' design has made several concessions to move as far as possible from adjoining properties while still allowing for right of way to the historic "L" pier at 1635 Orchard Beach Road and our marina. This plan will provide the Blakaitis family boat access from their property at all tide levels.

Thank you for your time and consideration and we look forward to the approval of these variances.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nick and Angie Combs', written in a cursive, flowing style.

Nick and Angie Combs
Owners, Orchard Beach Marina
1643 Orchard Beach Rd
Annapolis, MD 21409

2023-0234-V - pier, piles

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

06/07/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The applicant proposes to significantly extend a pier beyond the property line extensions in order to reach deeper water.

The subject property has a small amount of waterfront space as determined by the last metes and bounds meeting the mean high water line. Due to its location and orientation in the cove and shallow water depth, the subject property lacks suitable space for large watercraft. This is not a property with a large waterfront and any construction exceeding the legal limit allowed by law would be unreasonable.

The request for a variance to exceed the limits for piers as required by Article 18-2-404 does not meet the requirements of a Zoning variance. While the property does contain unique physical limitations that restrict the development of a pier, it is still feasible to construct a modest-sized pier within these constraints. No practical challenge exists as the lot is not suitable for accommodating large vessels and pier structures.

The proposed variance request does not satisfy all variance requirements as it exceeds the minimum necessary. Placing the pier in the cove as proposed would greatly change the waterway's character and hinder the proper use and development of neighboring properties. Additionally, the proposed pier could negatively impact public welfare by creating navigational challenges for boaters departing the West side of the north-positioned marina and from the pier on the opposite shore.

The critical area section of the Office of Planning and Zoning recommends denial of this variance request.

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

Due Date

05/13/2024

Assigned to Depart

OPZ Critical Area

Status Date

06/18/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Departme

OPZ Critical Area

Est. Completion Da

☐ Display E-mail A

☒ Display Comme

Expiration Date

Reviewer Phone Number

410-222-6136

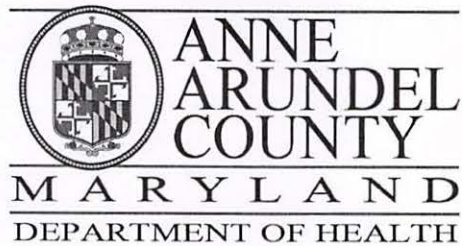
Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

MELANIE MATHEWS



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7193 Fax: 410-222-7479
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
Sanitary Engineering Program

A handwritten signature in blue ink, appearing to be "BC" followed by a flourish.

DATE: May 2, 2024

CASE
NUMBER: 2023-0234-V
Todd J. Blakaitis
372 Forest Beach Road
Annapolis, MD 21401

SUBJECT: Variance/Special Exception/Rezoning

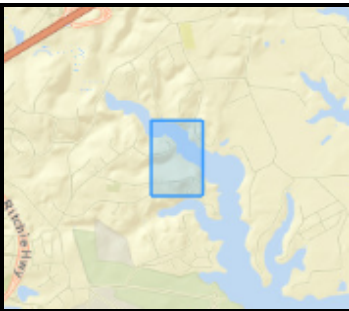
The Health Department has reviewed the above referenced variance to allow a pier with greater length than allowed and a pier with pilings with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the on-site sewage disposal for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal system. The Health Department has no objection to the above referenced request.


If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

372 Forest Beach Road




- Legend
- Foundation
 - Addressing
 - Parcels
 - Parcels - Annapolis City



0 350 700 ft

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. DO NOT USE FOR NAVIGATION.

Nearmap



Notes


February 2024

372 Forest Beach Road



Legend

- Foundation
- Addressing
 -
- Parcels
 - ▭
- Parcels - Annapolis City
 - ▭



050100

ft

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. DO NOT USE FOR NAVIGATION.

Nearmap

Notes

February 2024 - detail