

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

APPLICANT: Rock Hill Beach Community Association **ASSESSMENT DISTRICT:** 3rd

CASE NUMBER: 2024-0070-V

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: July 18, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow a recreational pier with less setbacks and less lot width than required and walk to pier with less width and setbacks than required at 1238 Hillside Road in the subdivision of Rock Hill, Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property is located with approximately 20 feet of frontage on the east side of Hillside Road some 1,600 feet east of Fort Smallwood Road and has a lot area of approximately 8,172 square feet more or less. The property is identified as Lot 21 in Parcel 462 on Tax Map 17, Grid 4. The property has been zoned R5-Residential District since the adoption of comprehensive zoning for the Third Councilmanic District effective January 29, 2012.

This waterfront property is located on Rock Creek and in the Chesapeake Bay Critical Area. The site is designated LDA-Limited Development Area and is located in a mapped Buffer Modification Area.

The site is improved with a six-foot wide, 68 foot long recreational pier with a 10-foot by 20-foot platform at pier end. A walkway extends from Hillside Road to the shoreline and pier.

PROPOSAL

The applicant proposes to reconstruct in-kind a six-foot wide, 68 foot long recreational pier with a 10-foot by 20-foot platform at pier end.

REQUESTED VARIANCE

Section 18-10-147 (1) of the Anne Arundel County Zoning Ordinance allows a recreational pier as a conditional use provided the lot is at least 60 feet wide at the road, 80 feet wide at the shoreline, and not less than 20 feet wide at any point. The lot the pier is located off of is approximately 30 feet at the road and 52 feet at the shoreline necessitating variances of 30 feet and 28 feet respectively.

Section 18-10-147 (3) of the Code requires that a recreational pier shall be located at least 15 feet from the lot lines extended and at least 50 feet from any existing pier or piling. The proposed pier will be located as close as 10 feet from the north property line extended, 23 feet from the existing pier on the north abutting property and 40 feet from the existing pier on the south abutting property necessitating variances of five feet, 27 feet and 10 feet respectively.

Section 18-10-147 (4) of the Code requires that a pier and the landward walk leading to the pier be at least six feet wide. The existing walk leading to the pier is only four feet in width and requires a variance of two feet.

Section 18-10-147 (5) of the Code requires any walk structure or impervious walk be located at least 15 feet from any side lot line. The existing walkway is located as close as 13 feet from the north and south side lot lines necessitating variances of two feet to the setback of each side lot line.

FINDINGS

For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot.

The subject property is a narrow property measuring 30 feet in width at the street and 52 feet at the shore line. This lot is located in a subdivision (c. 1939) that predates the Zoning Code and lands on both sides are already developed with single family dwellings. Consequently there is no opportunity to secure additional lands to meet the requirements of the Code.

The applicants' letter of explanation states that this recreational pier has been in use by the community for well over 50 years. County aerial photographs show a pier at least as far back as 1970. The applicant has indicated that the pier pilings have since deteriorated and now must be replaced. The applicant intends to replace the pier in-kind as it has existed for the last 50 plus years.

¹ The above conditions present both a practical difficulty and exceptional circumstances in complying with the Code and denial of the variances as requested would cause hardship in the use of these lands.

The applicant has indicated that relocating the pier to the south towards the center of the property's shoreline would be difficult as the bulkhead has been constructed to access the pier as it exists now. Furthermore the width of the existing walkway is located in a pre-dug County drainage ditch that serves to constrain walkway width. Consequently, the variance requests are considered to be the minimum necessary to afford relief.

Approval of the requested variances will not alter the essential character of the neighborhood nor will they impair the use of any adjacent property. There is no evidence that the proposed variance would be detrimental to the public welfare. Finally, the requested variance will not reduce forest

¹ As the County does not have any approval record for a pier at this property a variance is required to replace in kind.

cover or be contrary to acceptable clearing and replanting practices required for development in the Critical Area.

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

The **Development Division (Critical Area Team)** of this Office has no objection to the in-kind replacement.

RECOMMENDATION

Based upon the standards set forth in Article 18-16-305, under which a variance may be granted, the Office of Planning and Zoning recommends **approval** of the requested variances.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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 legal lot status, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.