

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

**APPLICANT:** Carol & Charles Elton

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2025-0069-V

**COUNCIL DISTRICT:** 3

**HEARING DATE:** June 12, 2025

**PREPARED BY:** David Russell  
Planner

*DR*

**REQUEST**

The applicant is seeking a variance to allow mooring pilings with less setbacks than required on property located at 478 Riverside Drive in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject property consists of roughly 6,760 square feet of land, and is identified as Lots 169 and 170 in the Upper Magothy Beach neighborhood, Parcel 343 in Grid 15 of Tax Map 24.

The property is zoned R2 - Residential. This waterfront property, on the Magothy River, lies entirely within the Chesapeake Bay Critical Area LDA - Limited Development Area, and is mapped as a BMA - Buffer Modified Area. It is improved with a single-story dwelling, a shed, terraced patio, stairs for pier access, two mooring pilings, and a residential pier with an attached boatlift on the south side and smaller cantilevered boatlift on the north side.

**PROPOSAL**

The applicant proposes the relocation of two (2) mooring pilings, for a 13' x 11' boatlift, on the north 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. The two (2) mooring pilings will be as close as two (2) feet to the northern side lot line extended, necessitating a variance of thirteen (13) feet.

**FINDINGS**

The subject property is significantly undersized for the R2 District. This zoning district requires a minimum lot size of 20,000 square feet, if not served by public sewer, and minimum lot width of 80 feet. The property is approximately 40 feet in width, and 6,760 square feet.

The property has approximately 45 feet of waterfront footage. The distance between the side lot lines extended is approximately 40 feet in width. The existing 6 foot wide pier abuts the 15 foot

northern side setback, leaving approximately 4 feet of developable width between the pier and the southern 15 foot side setback. Nearly all pier additions within this area would require a variance.

The applicant acknowledges there are two existing mooring pilings extending 14 feet into the northern side setback. The proposed relocation of these two pilings will actually reduce the side setback encroachment to a distance of 13 feet.

### Agency Comments

The **Development Division (Critical Area Team)** notes that the property line extensions are drawn correctly according to the requirements of 18-2-404. Their Office has no objection to the variance request.

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

### Variance Criteria

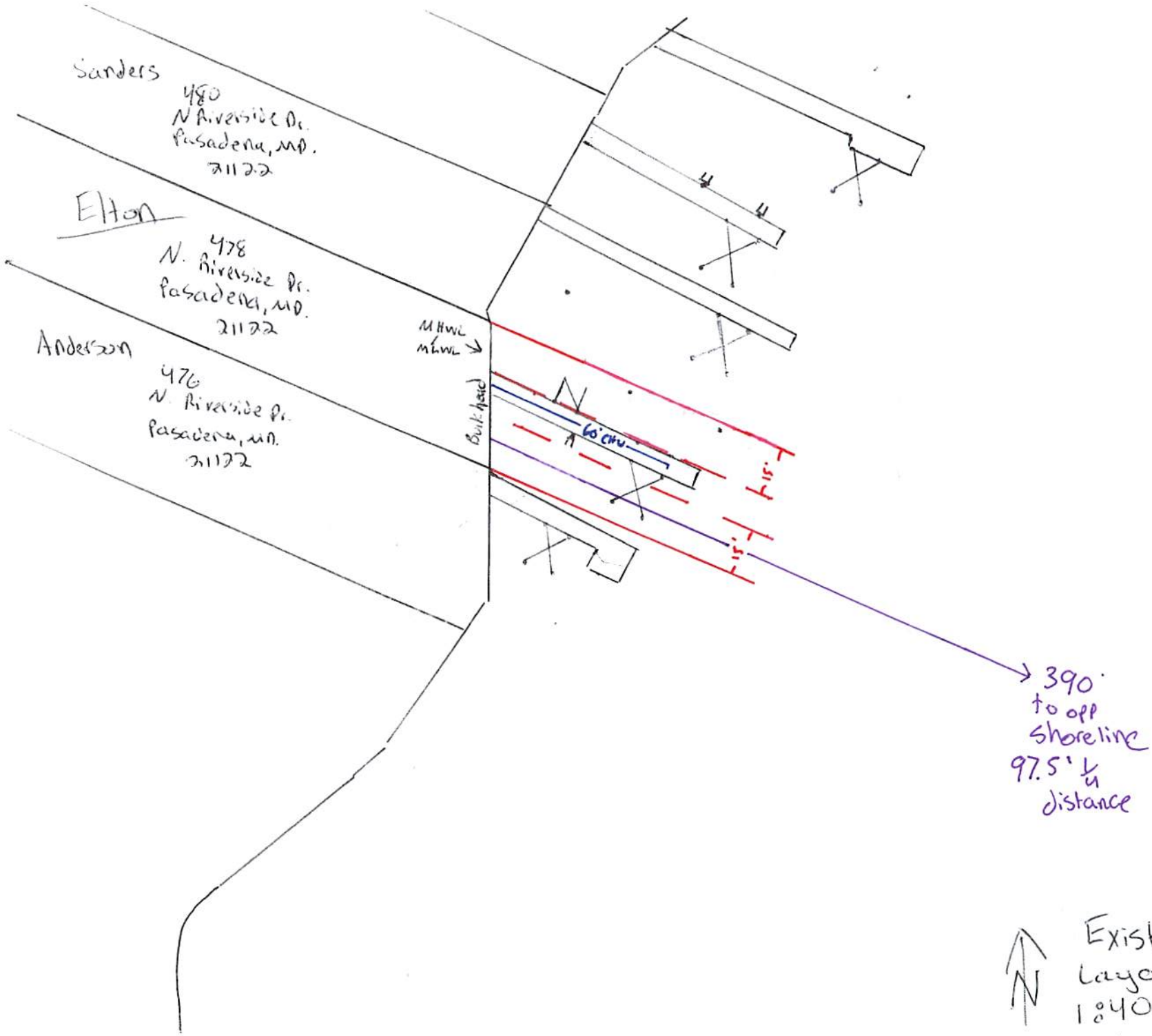
To be granted a variance it must be found that because of unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or, 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.

The R2 District requires a minimum lot width of 80 feet, but the applicant's lot is approximately half that width. This unusually narrow lot makes it difficult to develop under strict conformance with the Code. Two existing pilings encroach into the required northern side setback. Relocation of these pilings will reduce the side setback encroachment and increase navigable water space between the pilings and the neighboring pier. Therefore, the request can be considered the minimum necessary to afford relief. As such, the granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

### 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 two (2) 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  
Layout  
1:40 Scale  
≈ Cockey Creek ≈

Sanders

480  
N. Riverside Dr.  
Pasadena, MD.  
21122

Elton

478  
N. Riverside Dr.  
Pasadena, MD.  
21122

Anderson

476  
N. Riverside Dr.  
Pasadena, MD.  
21122

MHW  
mhw

Bulkhead

Proposed  
13'w x 11'L  
Boat Lift  
with associated  
poles.

\* Move 2 existing  
mooring poles  
to accommodate a  
boat lift

390'  
to off  
shoreline  
97.5'  $\frac{1}{4}$   
distance

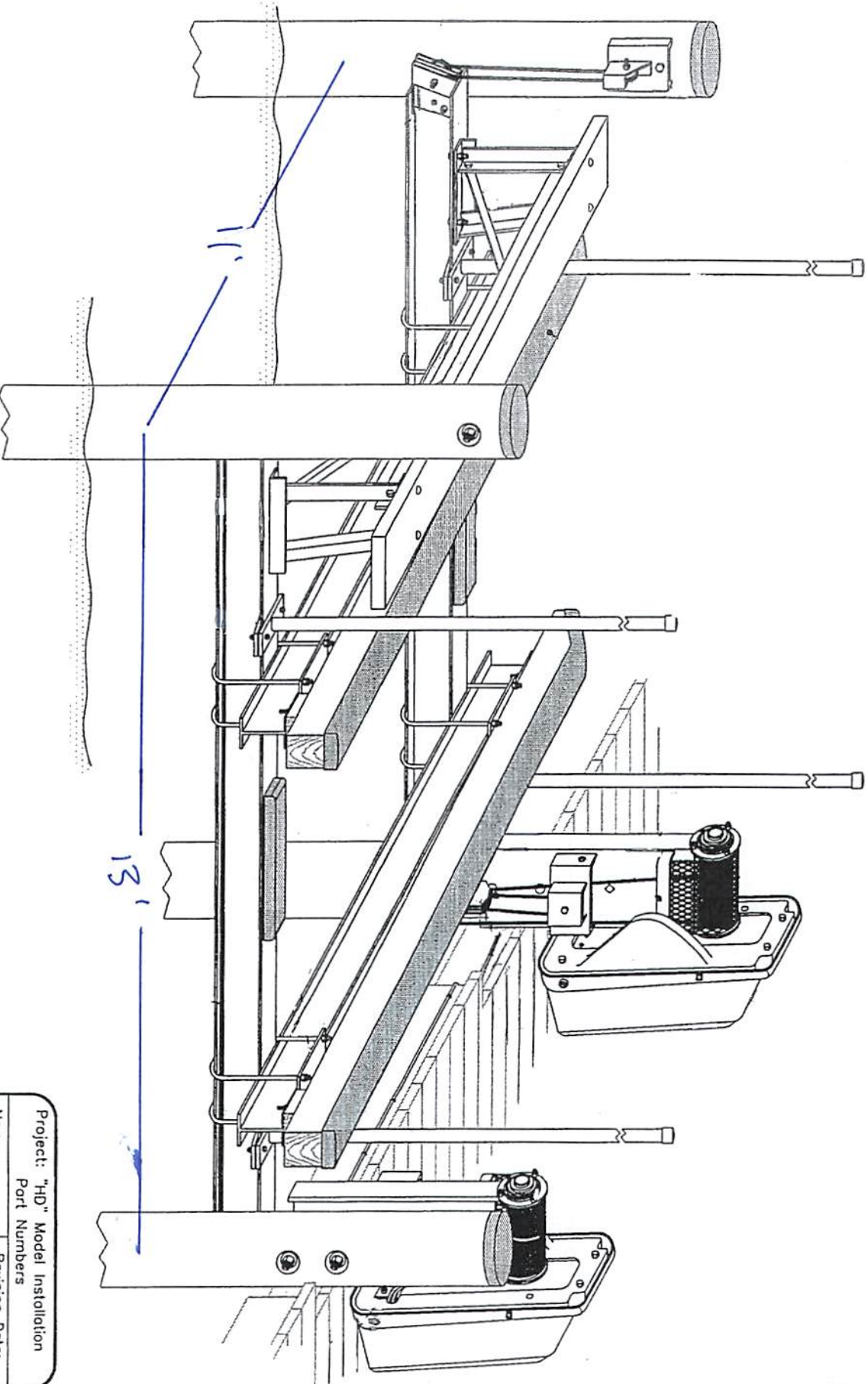
← m = Move pole

X = New boat  
lift

Proposed  
Layout  
1:40 Scale  
Cockey Creek

GENERAL NOTES:

1. FOR LIST OF MATERIALS RELATED TO PART NUMBERS, SEE PARTS LIST.



Project: "HD" Model Installation  
Part Numbers

No:	002	Revision Date:
Scale:	None	Date:
		02-22-01
Sheet:	1 of 1	



Joins Map 5058

MAP 5174



1

2

3

4

5

6

7

8

9

Joins Map 5175



- SEE GRIDS A1, B1, C1
- 1 GOLDEN CROWN WAY
  - 2 WHELFIELD CT
  - 3 OLD COACH CT
  - 4 BELL TOWER CROSSING
  - 5 SILVERADO CT
  - 6 SHOWCASE CT
  - 7 CRIMSON CT
- Compass Point GC

Elton  
478 N. Riverside Pr.  
Pasadena, Mo.  
21122

- SEE GRID K10
- 1 MEADOW HEIGHTS LA
  - 2 SPRIGGS CT
  - 3 IMPERIAL RD





# Anne Arundel County Engineering Record Drawing and Monu



40ft



Letter of Explanation

478 N. Riverside Dr. Pasadena, MD. 21122

Carol & Charles Elton

**Proposed Work**

We are seeking a variance for a 13'w x 11'l boat lift and the associated poles with less setbacks than required. Two of the four poles required will be in the setback. The poles will be 13 feet into the northern set back or 2 feet off the northern extended property line. All work a max of 60' channel ward of the mean high-water line.

**Hardship**

The Eltons property has a waterfront footage of 45 feet. The Eltons lot is undersized. With a waterfront footage of 45 feet after the 15-foot setbacks are drawn in you are left with a 15-foot-wide buildable area. The work proposed in this application reduces the Eltons' encroachment into the northern setback. Currently there are two mooring poles to the north of the pier that are place 14 feet into the setback. The proposed plan is seeking to relocate those two poles to accommodate a boat lift. The plan reduces the encroachment into the setback from 14 feet to 13 feet. The need for this reconfiguration is to allow the Elton's to safely store their 21' Montauk on a boat lift out of the way from the wake of Cockey Creek. The addition of the boat lifts/slips does not change the character of the Upper Magothy Beach subdivision as numerous residents have multiple boat lifts/slips.

Thank you,

Tim Glaser

Please contact Tim Glaser with any questions or information

[tim@magnumlift.com](mailto:tim@magnumlift.com)

1-800-268-5911

1901 Betson Ct.

Odenton, MD. 21113



Anne Arundel Cty Cir Crt	
IMP FD SURE	\$40.00
RECORDING FEE	\$20.00
TOTAL	\$60.00
SAP JD	
Jan 05, 2023	12:32 pm

No Title Search  
 No Consideration  
 Tax ID No.: 03-881-14411605  
 Address: 478 Riverside Drive, Pasadena, MD 21122

### ***LIFE ESTATE DEED***

**THIS DEED**, made this 11 day of May, 2022, by and between **CHARLES W. ELTON, SR. and CAROL A. ELTON**, Grantors, parties of the first part, to **CHARLES W. ELTON, SR. and CAROL A. ELTON**, parties of the second part, hereinafter referred to as "Life Tenants", and **CHARLES W. ELTON, JR. and LAUREN E. GLASS**, Grantees, parties of the third part (and also known as Remaindermen).

**WITNESSETH**, there being no consideration for the transfer of the hereinafter described property (conveyance from parents to self with remainder to children) THE NET PROCEEDS FROM CONVEYANCE IS ZERO (\$0), the said party of the first part does hereby grant and convey unto the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, for and during the term of their natural life, subject to the limitations and conditions and with the benefit of the powers as hereinafter set forth, and from and immediately upon the death of the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, and upon the failure of the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, to exercise the powers as hereinafter set forth, then unto and to the use of the said **Charles W. Elton, Jr. and Lauren E. Glass**, as tenants in common, in fee simple, all that lot of ground situate, lying and being in Anne Arundel County, State of Maryland, and described as follows, that is to say:

ACCT. 03-881-14411605  
 ALL REQUIRED LIENS ARE PAID  
 AS OF 01-04-2023 A.A. COUNTY  
 BY: DJB

01/04/2023 08:13 AM DJB  
 County Transfer Tax - Exempt

01/04/2023 08:13 AM DJB  
 County Recordation Tax - Exempt

All that property situate in Anne Arundel County, State of Maryland, described as:

**BEING KNOWN AND DESIGNATED AS** Lots 169 and 170, as shown on the Plat entitled "Magothy Beach", which Plat is recorded among the Lands Records of Anne Arundel County in Plat Book No. 9, folio 43. The improvements thereon being known as **No. 478 Riverside Drive.**

**BEING** known and designated as the same lot of ground described in a deed dated April 23, 1991 and recorded among the Land Records of Anne Arundel County in Liber MMR 5319, folio 295, by and between Howard G.J. Fisher and Hermetta Jo Fisher unto James A. Waller, Sr. and Penny L. Waller, husband and wife.

**BEING** the same property which by deed dated January 20, 1999 and recorded among the Land Records of Anne Arundel County in Liber 8961, folio 622, by and between James A. Waller, Sr. and Penny L. Waller, husband and wife, unto Charles W. Elton, Sr. and Carol A. Elton, husband and wife, the grantors herein.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, for and during the term of their natural life, forever, in fee simple, with full power unto them, for and during the term of their natural life, without the consent of any person or persons whomsoever to sell, mortgage or otherwise dispose of or encumber the whole or entire estate in and to the property hereinbefore described, or any part thereof except by Last Will and Testament, and to apply the proceeds of any such sale, mortgage or disposal to their own use and the purchaser or purchasers, mortgagee or mortgagees, grantee or grantees, hereby being relieved from seeing to the application of the purchase or mortgage money, it being the intention that the powers

aforesaid when exercised, shall operate not only upon the life estate hereby granted unto the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, for and during the term of their natural life, but also upon the remainder as herein set forth, to the end and intent that the grantee or grantees, mortgagee or mortgagees purchaser or purchasers under the instrument or instruments executed in the exercise of the powers herein granted unto the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, for and during the term of their natural life, shall obtain the whole and entire estate free of all, and any, right, title and interest of any of the parties to these presents, or those claiming by, through, or under them; and from and immediately upon the death of the said **Charles W. Elton, Sr. and Carol A. Elton**, or the survivor of them, and without them having exercised any of the powers herein set forth, then as to all the property hereinbefore described, or so much thereof as may be remaining and undisposed of in the exercise of the powers aforesaid, unto the said **Charles W. Elton, Jr. and Lauren E. Glass**, as tenants in common, forever, in fee simple.

**AND** the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurance of the same as may be requisite.

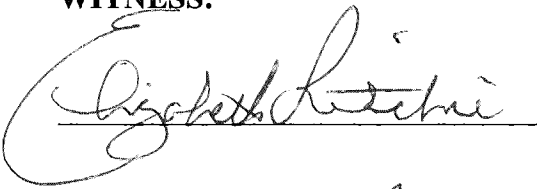
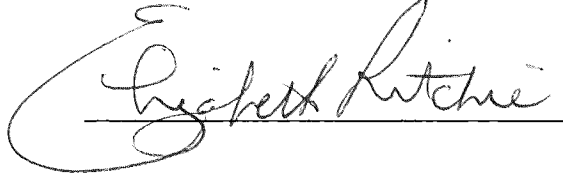
**WHEREAS**, Grantors are a resident of the State of Maryland therefore is not subject to the Maryland Withholding Tax requirements of the Maryland Annotated Code, Tax General Section 10-912. The total payment pursuant to the Maryland Annotated Code, Tax General Section 10-912(b)(2) would be ZERO.



Grantors hereby affirm that there is no consideration of money involved, and therefore this instrument is exempt from recordation and transfer taxes under Maryland Tax Property Article Section 12-108(e).

WITNESS the hand and seal of said Grantors.

**WITNESS:**

  
**CHARLES W. ELTON, SR.**

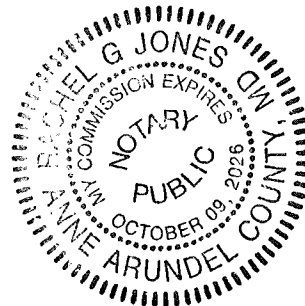
  
**CAROL A. ELTON**

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, that on this 11 day of May, 2022, before me, the subscriber, a Notary Public of Anne Arundel County, State of Maryland **Charles W. Elton, Sr.** did personally appear and he acknowledged the foregoing Deed to be his act.

AS WITNESS my hand and Notarial Seal.

Rachel Jones  
NOTARY PUBLIC  
My Commission Expires: 10/9/26

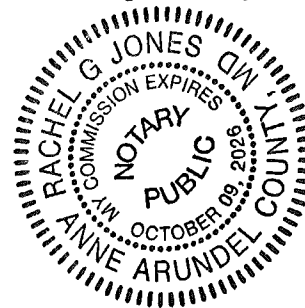


STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, that on this 11 day of May, 2022, before me, the subscriber, a Notary Public of Anne Arundel County, State of Maryland, **Carol A. Elton** did personally appear and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

Rachel Jones  
NOTARY PUBLIC  
My Commission Expires: 10/9/26



This is to certify that the within instrument has been prepared by the undersigned Maryland attorney.

Richard L. Adams, III, Esquire

MARYLAND  
FORM  
WH-AR

**Certification of Exemption from Withholding Upon  
Disposition of Maryland Real Estate Affidavit of  
Residence or Principal Residence**

**2022**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor \_\_\_\_\_

**2. Description of Property** (Street address. If no address is available, include county, district, subdistrict and lot numbers).

478 Riverside Drive, Pasadena, MD 21122

**3. Reasons for Exemption**

**Resident Status**



As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal Residence**



Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

**Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.**

**3a. Individual Transferors**

Witness

Charles W. Elton, Sr.

Name

\*\*Date

Signature

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

\*\*Date

Title

\*\* Form must be dated to be valid.

**Note:** Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

**To the Clerk of the Court:** Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.



MARYLAND  
FORM  
**WH-AR**

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Disposition of Maryland Real Estate Affidavit of  
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**2022**

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478 Riverside Drive, Pasadena, MD 21122

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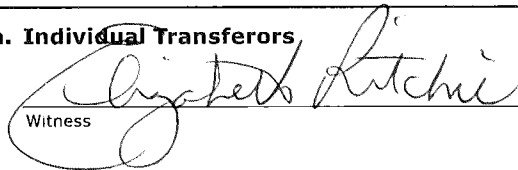
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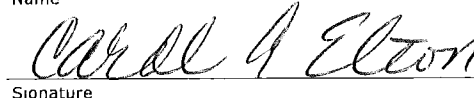
Witness 

Carol A. Elton

Name

5/16/22

\*\*Date



Signature

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

\*\*Date

Title

\*\* Form must be dated to be valid.

**Note:** Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

**To the Clerk of the Court:** Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

## State of Maryland Land Instrument Intake Sheet

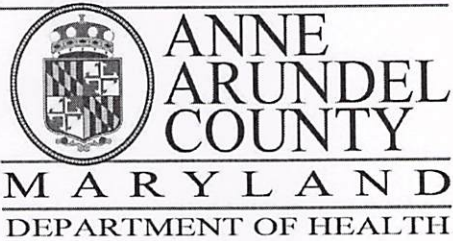
☐ Baltimore City ☒ County: Anne Arundel

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.  
(Type or Print in Black Ink Only—All Copies Must Be Legible)

<b>1</b>	<b>Type(s) of Instruments</b>	( Check Box if addendum Intake Form is Attached.)						
		<input checked="" type="checkbox"/> Deed	<input type="checkbox"/> Mortgage	<input type="checkbox"/> Other	<input type="checkbox"/> Other			
<b>2</b>	<b>Conveyance Type Check Box</b>	<input type="checkbox"/> Improved Sale Arms-Length [1]	<input type="checkbox"/> Unimproved Sale Arms-Length [2]	<input type="checkbox"/> Multiple Accounts Arms-Length [3]	<input type="checkbox"/> Not an Arms-Length Sale [9]			
<b>3</b>	<b>Tax Exemptions (if applicable)</b>	Recordation						
	Cite or Explain Authority	State Transfer						
		County Transfer						
<b>4</b>	<b>Consideration and Tax Calculations</b>	<b>Consideration Amount</b>			<b>Finance Office Use Only Transfer and Recordation Tax Consideration</b>			
		Purchase Price/Consideration	\$ 0 00		Transfer Tax Consideration	\$		
		Any New Mortgage	\$		X ( ) % =	\$		
		Balance of Existing Mortgage	\$		Less Exemption Amount	\$		
		Other	\$		Total Transfer Tax	\$		
		Other	\$		Recordation Tax Consideration	\$		
		Full Cash Value	\$		X ( ) per \$500 =	\$		
		TOTAL DUE		\$				
<b>5</b>	<b>Fees</b>	<b>Amount of Fees</b>		<b>Doc. 1</b>	<b>Doc. 2</b>	Agent		
		Recording Charge	\$ 60 00		\$	Tax Bill		
		Surcharge	\$		\$	C B Credit		
		State Recordation Tax	\$		\$	Ag Tax/Other		
		State Transfer Tax	\$		\$			
		County Transfer Tax	\$		\$			
		Other	\$		\$			
		Other	\$		\$			
<b>6</b>	<b>Description of Property</b> SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	<b>District</b>	<b>Property Tax ID No. (1)</b>	<b>Grantor Liber/Folio</b>	<b>Map</b>	<b>Parcel No.</b>	<b>Var. LOG</b>	
		03	881-14411605	08961/00622	0024	0343	(5)	
		<b>Subdivision Name</b>			<b>Lot (3a)</b>	<b>Block (3b)</b>	<b>Sect/AR (3c)</b>	<b>Plat Ref.</b>
		Upper Magothy Beach			169			
		<b>Location/Address of Property Being Conveyed (2)</b>						
		478 Riverside Dr , Pasadena, MD 21122-5060						
		<b>Other Property Identifiers (if applicable)</b>						<b>Water Meter Account No.</b>
		<b>Residential <input checked="" type="checkbox"/> or Non-Residential</b>		<b>Fee Simple <input checked="" type="checkbox"/> or Ground Rent</b>		<b>Amount:</b>		
		<b>Partial Conveyance? Yes <input checked="" type="checkbox"/> No</b>		<b>Description/Amt of SqFt/Acreage Transferred:</b>				
	If Partial Conveyance, List Improvements Conveyed							
<b>7</b>	<b>Transferred From</b>	<b>Doc. 1 – Grantor(s) Name(s)</b>				<b>Doc. 2 – Grantor(s) Name(s)</b>		
		Charles W. Elton, Sr (life tenant)						
		Carol A. Elton (life tenant)						
		<b>Doc. 1 – Owner(s) of Record, if Different from Grantor(s)</b>				<b>Doc. 2 – Owner(s) of Record, if Different from Grantor(s)</b>		
<b>8</b>	<b>Transferred To</b>	<b>Doc. 1 – Grantee(s) Name(s)</b>				<b>Doc. 2 – Grantee(s) Name(s)</b>		
		Charles W. Elton, Jr. (remainderman)						
		Lauren E. Glass (remainderman)						
		<b>New Owner's (Grantee) Mailing Address</b>						
	478 Riverside Dr , Pasadena, MD 21122-5060							
<b>9</b>	<b>Other Names to Be Indexed</b>	<b>Doc. 1 – Additional Names to be Indexed (Optional)</b>				<b>Doc. 2 – Additional Names to be Indexed (Optional)</b>		
<b>10</b>	<b>Contact/Mail Information</b>	<b>Instrument Submitted By or Contact Person</b>					<input checked="" type="checkbox"/> Return to Contact Person	
		Name Tara K. Frame, Esq					<input type="checkbox"/> Hold for Pickup	
		Firm Frame & Frame, LLC					<input type="checkbox"/> Return Address Provided	
		Address: 8562 Fort Smallwood Road, Pasadena, MD 21122						
		Phone (410) 255-0373						
<b>11</b>	<b>IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER</b>							
	<b>Assessment Information</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Will the property being conveyed be the grantee's principal residence?				
		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Does transfer include personal property? If yes, identify				
		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)				
	<b>Assessment Use Only – Do Not Write Below This Line</b>							
	<b>Terminal Verification</b>		<b>Agricultural Verification</b>		<b>Whole Part</b>		<b>Tran. Process Verification</b>	
	Transfer Number		Date Received		Deed Reference		Assigned Property No.	
	Year	20	20	Geo	Map	Sub	Block	
	Land			Zoning	Grid	Plat	Lot	
	Buildings			Use	Parcel	Section	Occ Cd	
	Total			Town Cd	Ex St	Ex Cd		
	<b>REMARKS</b>							

Space Reserved for Circuit Court Clerk Recording Validation

served for County Validation



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 *BC*

DATE: April 18, 2025

RE: Charles W. Elton III  
478 Riverside Drive  
Pasadena, MD 21122

NUMBER: 2025-0069-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow pilings 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



478 Riverside Dr. - 2025-0069-V



Legend

Foundation

Addressing



Parcels

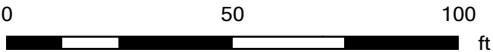


Parcels - Annapolis City



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Nearmap



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes