

Pen Mar Environmental Services, LLC

for your environmental permit needs

P.O. Box 6809
Annapolis, MD 21401

Ph. 443.875.3955

2dmusser1@gmail.com

March 14, 2024

Anne Arundel County
Planning and Zoning Division
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: LETTER OF EXPLANATION
FULLCO, LLC Property
c/o Matt Fullerton
934 Bay Front Rd
North Beach, MD 20714

Dear Zoning Analyst,

On behalf of the property owner, Matt Fullerton, I am submitting a variance request for 10.5 feet to the required 15-foot setback of the north Property Line Extended (PLE) and 10.5 feet to the 15-foot setback of the south PLE to allow a proposed NEW pier where none currently exists. The north side of the pier will include 3 mooring piles located 4.5 feet from the PLE and a platform with a catwalk also within 4.5 feet of the PLE. The south side of the pier will be 4.5 feet off of the PLE.

The site is located in southern Anne Arundel County along the shores of the Chesapeake Bay in North Beach, Maryland. It is known as Lot 5, Block 9 in the North Beach Park subdivision which was created in May of 1923. Generally, the waterfront lots in the subdivision are 30 feet wide by 125 feet long, which is the instance in this case. The total lot size is 3,750 square feet, all of which are in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

The proposed pier layout has been used for lots that exhibit a 50-foot width and would not require a variance to be permitted. As mentioned, the subject lot is 30-feet in width and will require a variance for the same pier layout that is frequently used in the neighborhood/subdivision. As shown on the attached Site Plan (scale: 1" = 40"), by locating the 200 sq. ft. platform landward of the proposed boat lift, all improvements are in-line, parallel to the PLE. The owners are also proposing a 5 wide pier extension alongside the 14-foot wide boat lift.

Conditions on the Chesapeake Bay are different than in the Anne Arundel County rivers and coves. While it is understood that the minimal relief is afforded, in this instance stability is of the utmost consideration. According to local, Licensed Maryland Marine Contractors, the substrate below MHW in this area is in-penetrable without specific drilling equipment. In order to better support a boat lift which is needed in the rougher waters of the Chesapeake Bay, and due to the tighter substrate, it is preferred to allow the pier to be the maximum 6' width for additional support and the extension reduced to 5' wide, as opposed to a lesser width. Therefore, this is believed to be the minimal relief necessary and still afford the needed stability and consistency with neighboring piers.

Fullerton Variance
3-14-2024
Page Two

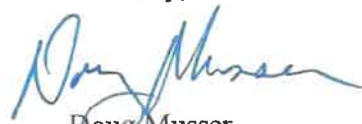
The variances are being requested to provide the owner not only with an opportunity to better secure his boat, but to also elevate it out of the water with a boat lift. The Maryland Department of the Environment Tidal Wetlands Division has previously stated they prefer to have the boat on a lift, out of the water. In regard to the "character of the neighborhood", we offer that of the 25 existing piers along the Bay, from 872 Bay Front Avenue to 1008 Bay Front Avenue, 19 have a platform and minimally one boat lift/piles (76%) while 4 have platforms only with no lift/piles (16%). One pier has 2 lifts and no platform (4%), while one property had only a short pier with no pilings (4%). This is shown on the attached Boat Lifts Photos and indicates that the request for a pier with boat lift is not out of character with the riparian neighborhood.

This proposed Variance request is similar to Case Number 2021-0122-V for Kevin A. Zerrusen at 1057 Bay Front Avenue. In that Case the waterfrontage was 33 feet and Variances were granted for 11 feet and 9 feet to the PLE's. Construction was as close as 6 feet to the north PLE for a pier and platform and as close as 4 feet to the south PLE for 3 mooring piles. A copy of that project's approved plan is attached for reference.

The Project as proposed, will not impair the use of adjacent properties. This proposed pier configuration is centrally located within the PLE's and was developed with full consideration to both of the adjacent property owners along Bay Front Avenue where there are currently no piers; and their ability to construct a pier in the future. The Project, as proposed, will not reduce forest cover in a LDA or RCA Critical Area or be contrary to acceptable clearing or replanting policies, nor will it be detrimental to the environment.

Given the hardship of the narrow nature of the 30' wide lot at the water's edge, and the high percentage of existing piers with lifts and/or mooring piles, it is believed this is a minimal request and is not out of character with this waterfront neighborhood. It does not provide for any special privileges to the owner beyond what the surrounding properties with piers currently have. The owner has also worked with industry professionals to research the location and layout of the proposed pier. Please review the attached plans and call me at 443.875.3955 if you have any questions or need any additional information.

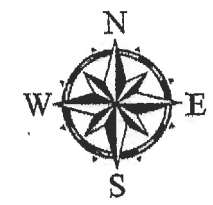
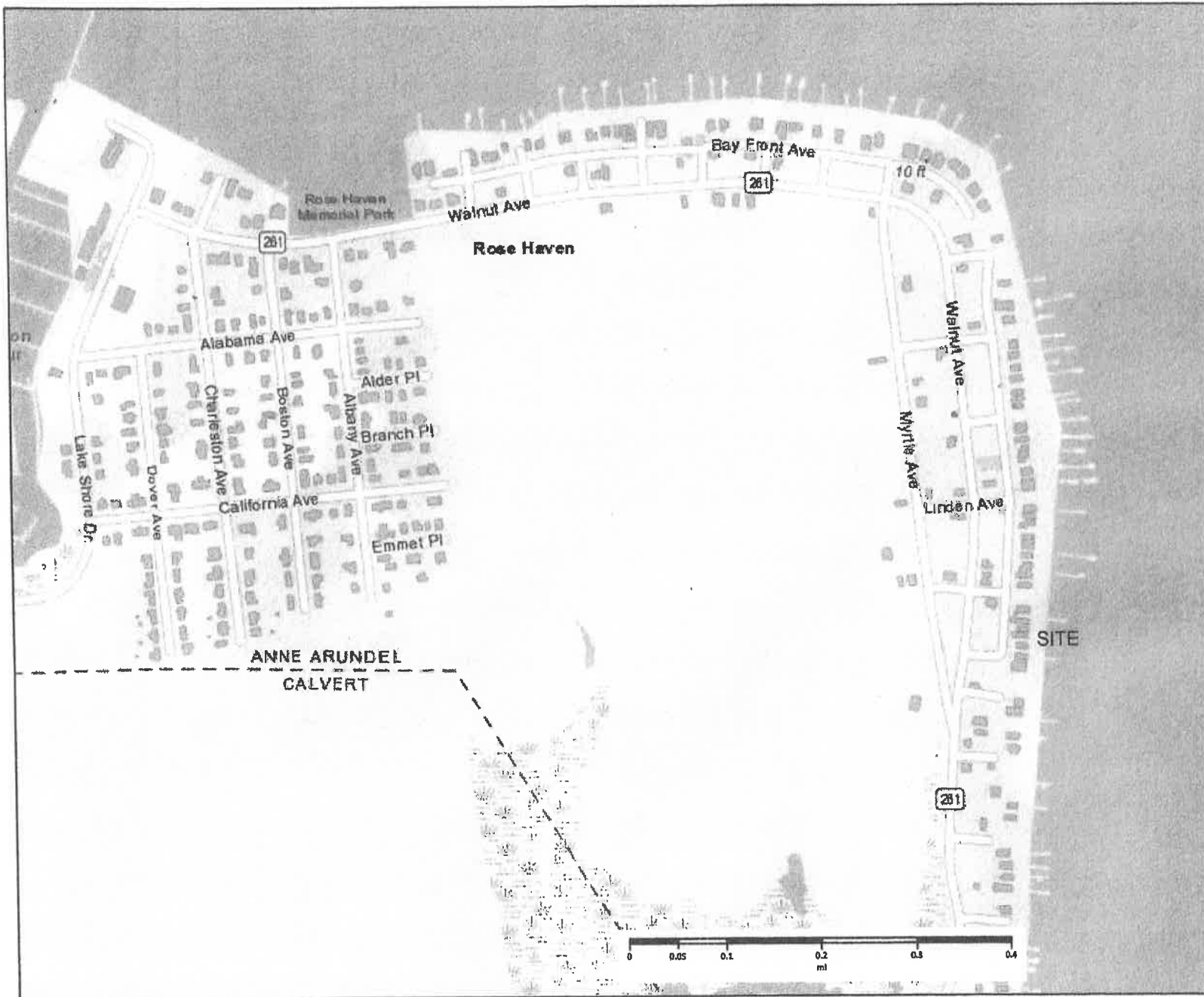
Sincerely,



Doug Musser
Environmental Consultant
FPO#11373

CC: Matt Fullerton, Owner

Attachments



Features

Paper Map DISCLAIMER:
 By acceptance of this map material, you agree as follows:
 This map material (the "material") is made available by Anne Arundel County, Maryland (the "County") as a public service.

The material is for reference purposes only, and the County makes no representations, warranties, or guarantees of the accuracy of the material. THE COUNTY MAKES NO, AND DISCLAIMS ALL, EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

You release the County, its agents, servants, and employees, from any and all liability related to the material or any of it, including its accuracy, availability, use, and misuse. In no event shall the County be liable for any direct, indirect, incidental, consequential, or other damages, including savings, profits, fees, costs, loss of data, or business interruption, related in any way to the material or any of it, including its accuracy, availability, use, and misuse.

The material is in the public domain and may be copied without permission. Citation to the source is requested. Any errors or omissions in the material should be reported to the Anne Arundel County Office of Information Technology Geographic Information Services Group.

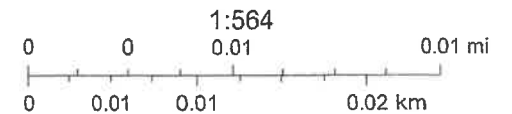
Vicinity Map - 934 Bay Front Ave

Aerial Photo - 934 Bay Front Ave



12/14/2023, 10:10:59 AM

- Local Road Label
- County Boundary
- Orthophoto 2021
- Red: Red
- Green: Green
- Blue: Blue
- Structure Address
- Parcels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland, FEMA,

PLAT OF NORTH BEACH PARK

ANNE ARUNDEL CO. MD.
A REVISION OF
HOLLAND-POINT-ADDITION



SITE →

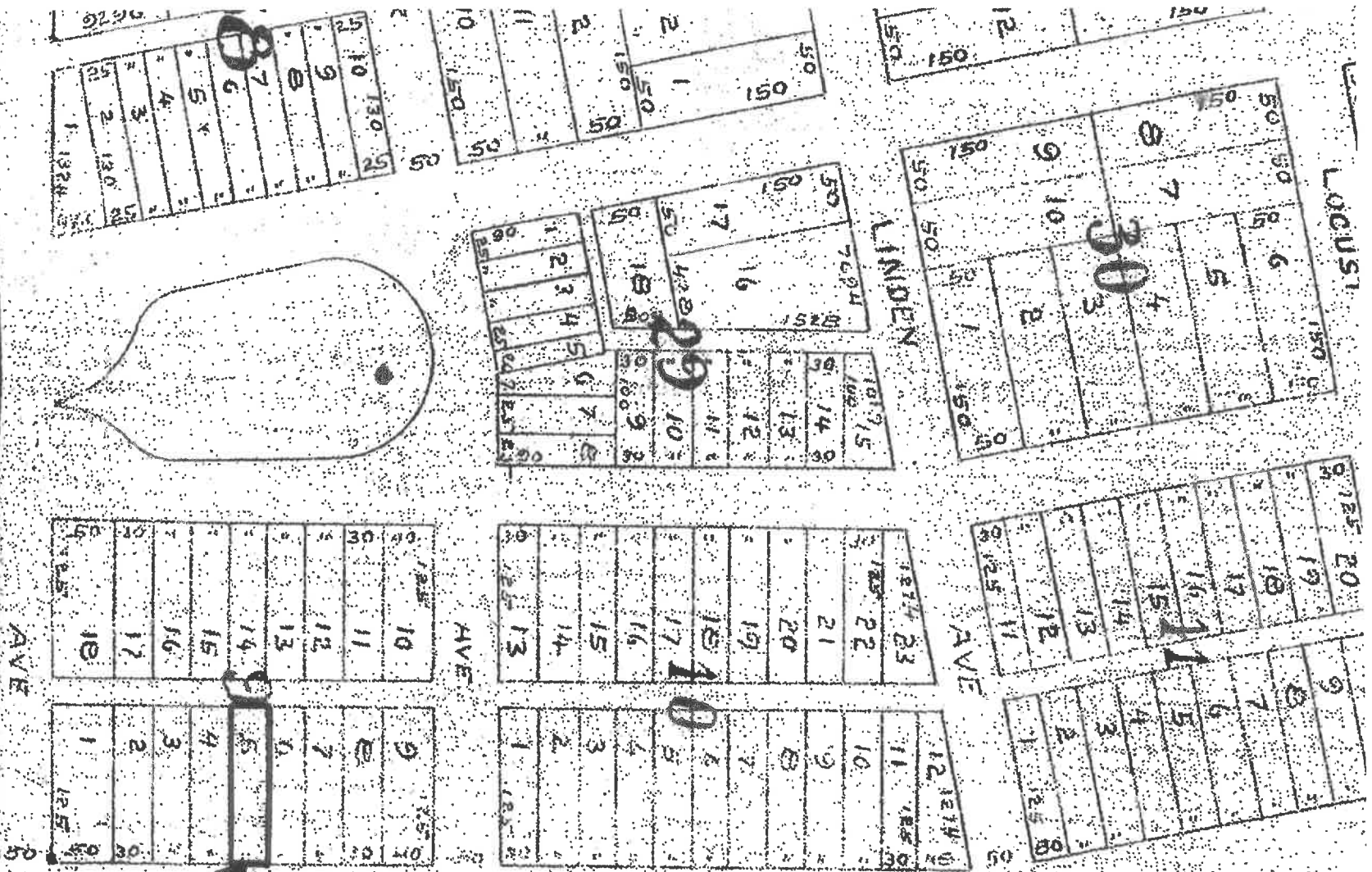
Community Property

*Property Owner:
Matt Fullerton
934 Bay Front Ave
North Beach, MD*

EDWARD L. LATIMER,
SURVEYOR,
HYATTSVILLE, MD.
MAY 1, 1923.

MNS SW 1355 - C18





Community Property

SITE

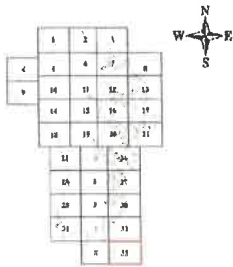
Property Owner:
 Matt Fullerton
 934 Bay Front Ave
 North Beach, MD 21540

CHESEAPEAKE

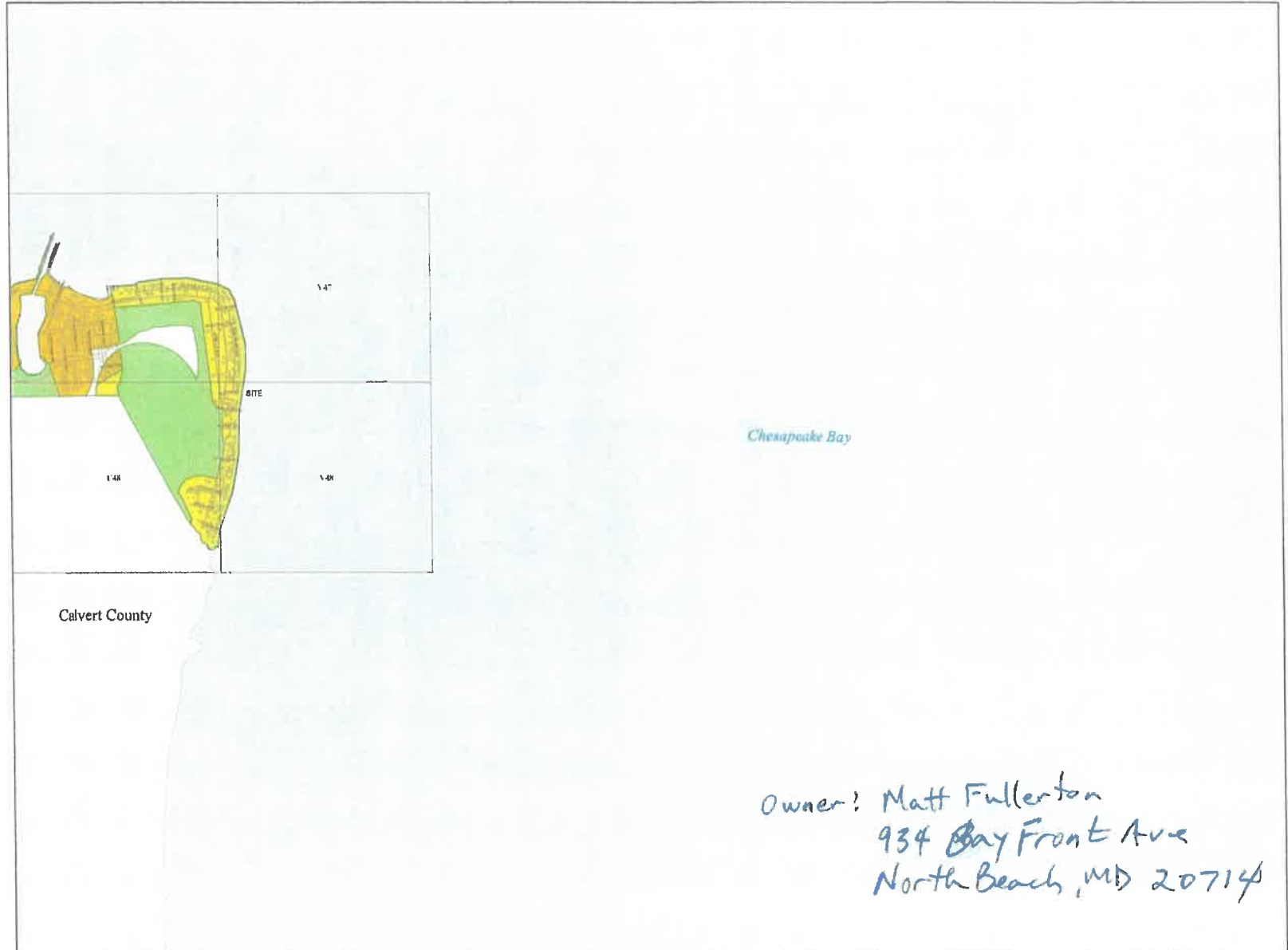
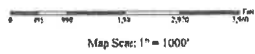
Anne Arundel County Critical Area Map

Legend

- Road Edge
- Building Foot Print
- Water
- Critical Areas
 - RCA - Resource Conservation Area
 - LDA - Limited Development Area
 - IDA - Intensely Developed Area



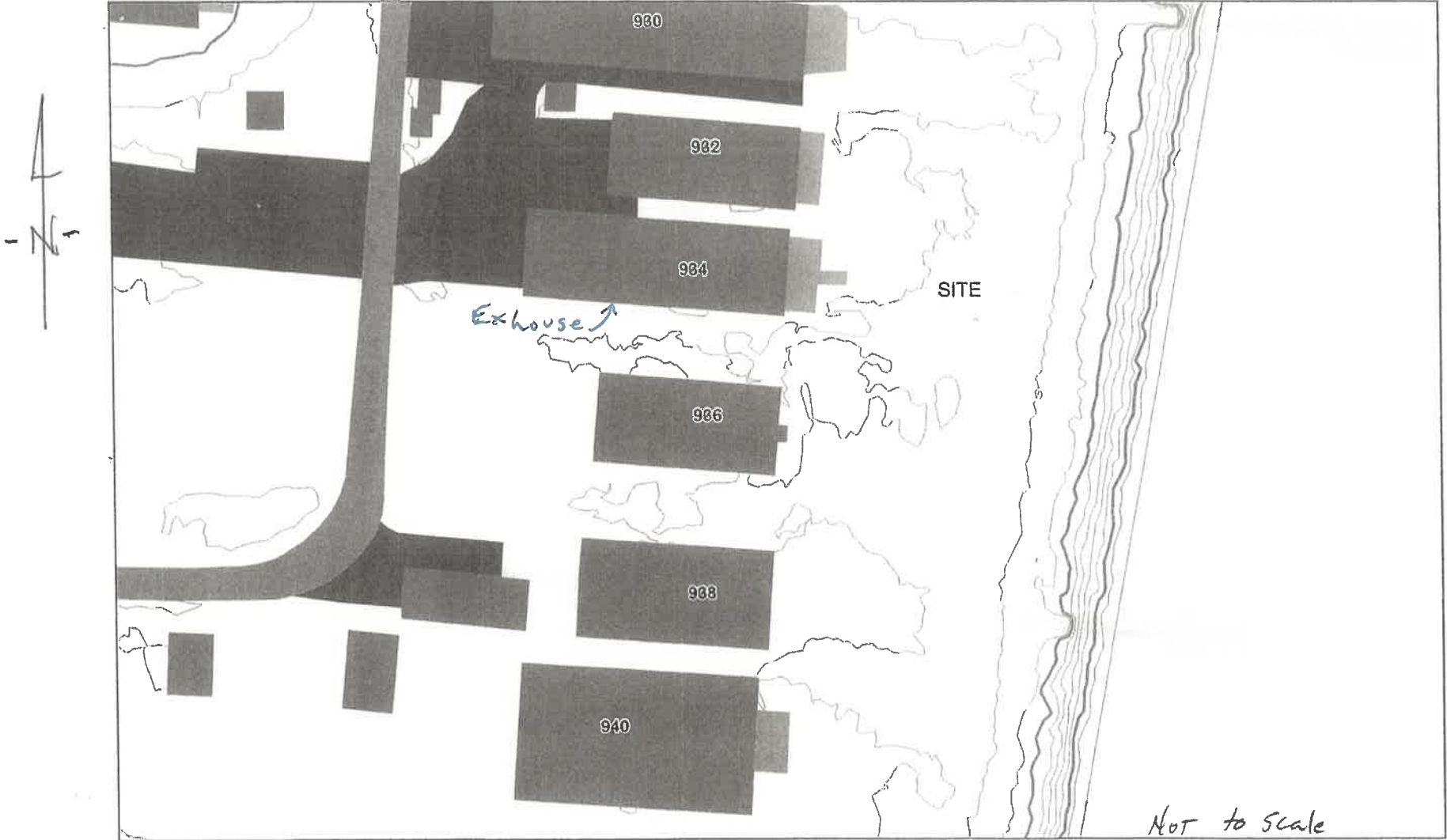
Sheet No. 35



Owner: Matt Fullerton
 934 Bay Front Ave
 North Beach, MD 20714

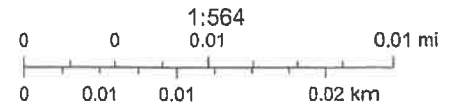
Existing Conditions Site Plan - 934 Bay Front Road

12-13-2023



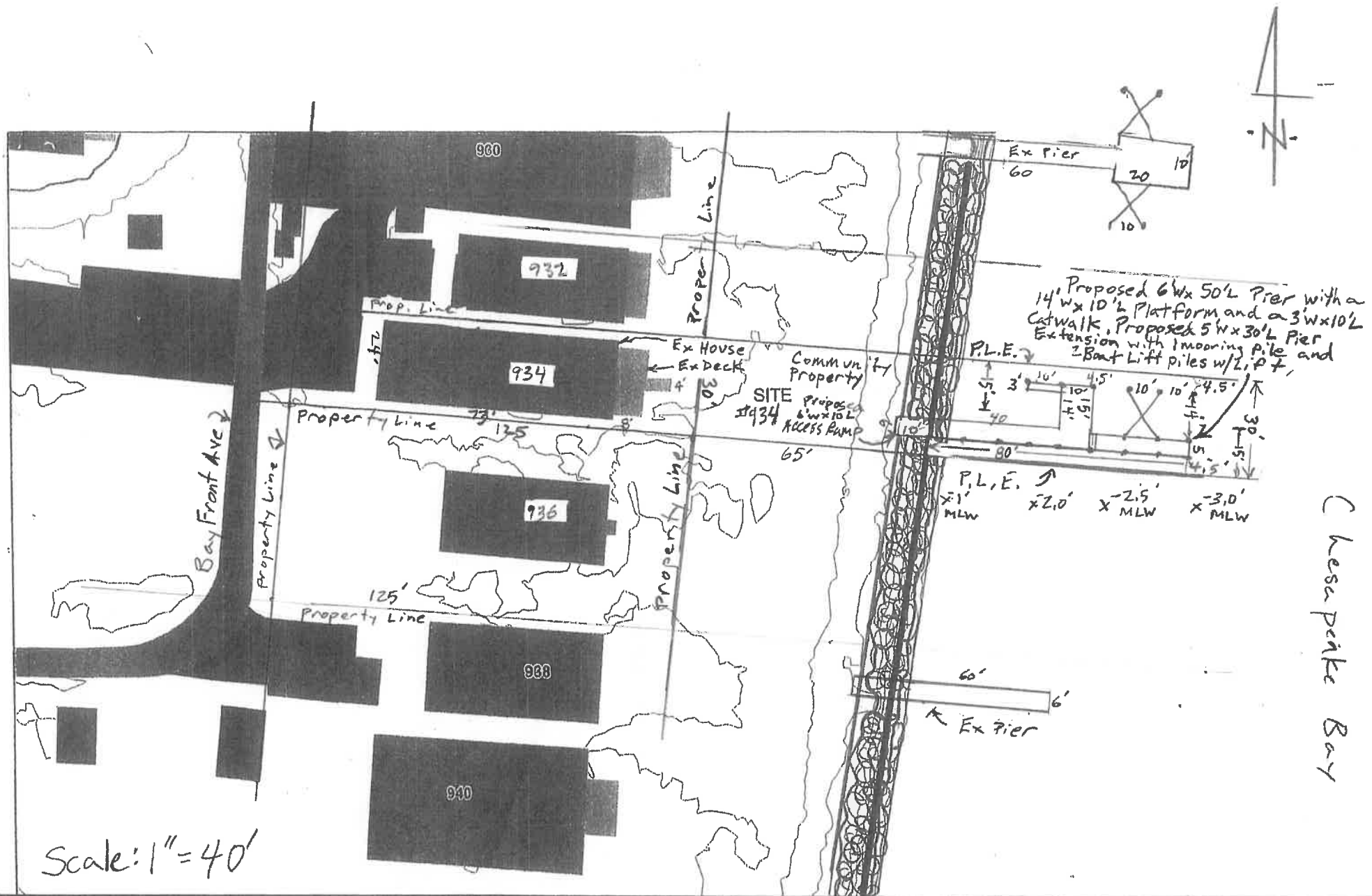
12/7/2023, 5:26:04 PM

- Structure Address
- Topography 2017 - 1ft contours
- Index
- Intermediate
- Impervious Surfaces 2020
- BUILDING
- DECK
- DRIVEWAY
- PATIO
- PIER
- ROAD
- SIDEWALK



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasyrielsen, Rijkswaterstaat, GSA, Geoland, FEMA,

THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

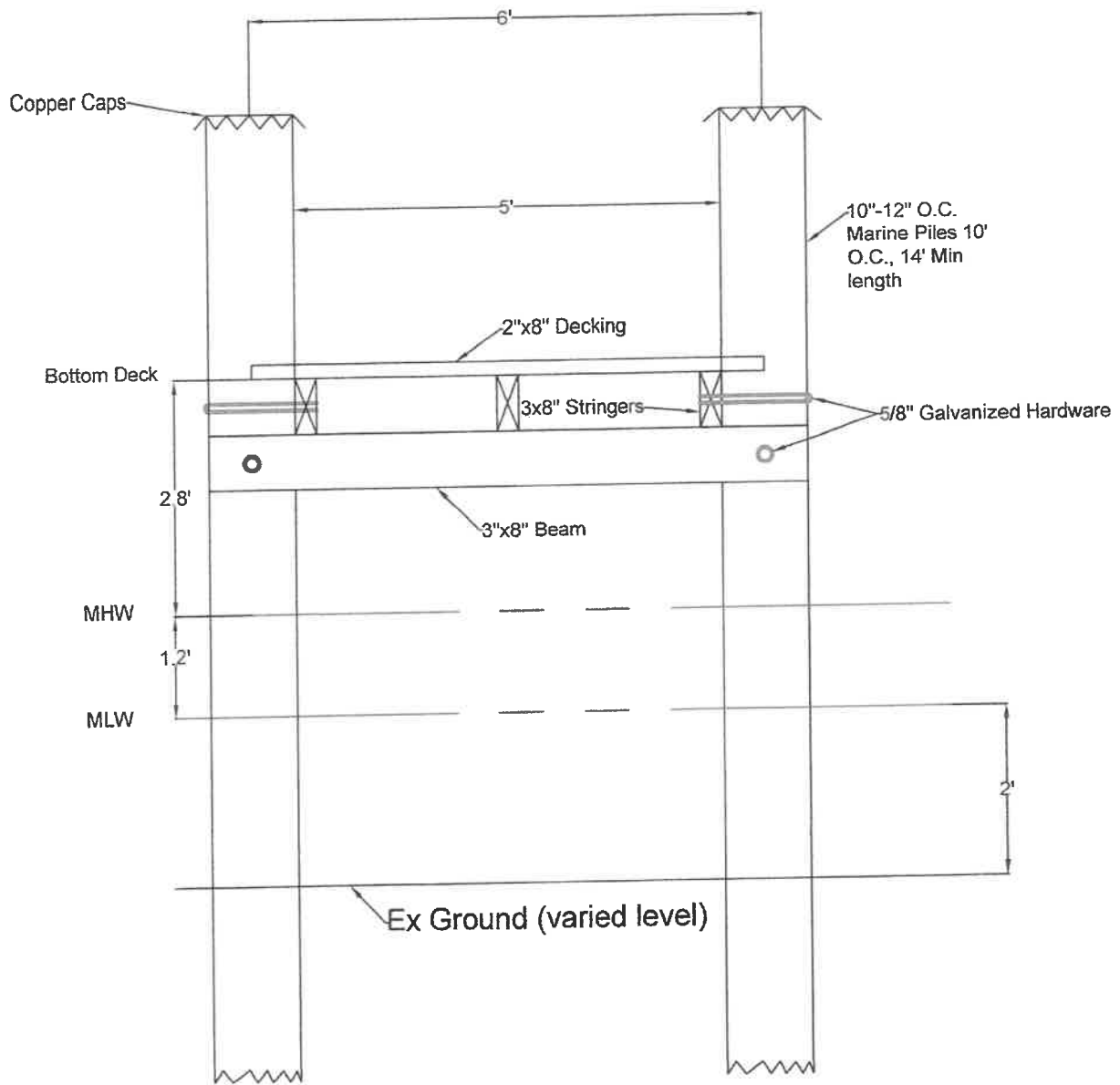


Scale: 1" = 40'

Proposed: New Pier w/ Lift
County: Anne Arundel
Waterway: Chesapeake Bay
Date: 12/13/2023

PROPOSED CONDITIONS SITE PLAN
984 Bay Front Ave
North Beach, MD 20714

Owner: FULLCO, LLC
C/O Matt Fullerton
934 Bay Front Ave
North Beach, MD 20714



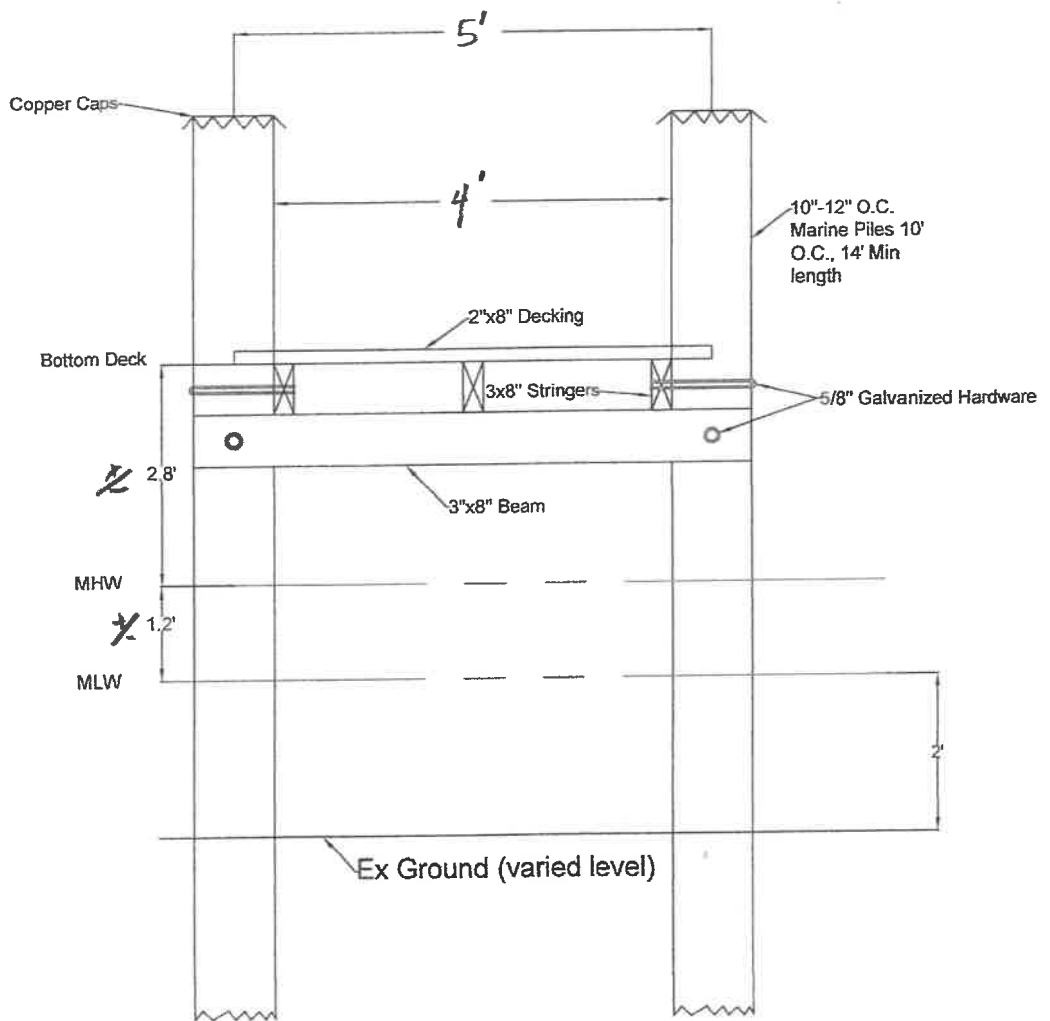
SCALE 1"=2'

6' Pier Cross Section

Proposed: New Pier with Lift
 County: Anne Arundel
 Waterway: Chesapeake Bay
 Date: 12/13/2023

934 Bay Front Ave
 North Beach, Maryland

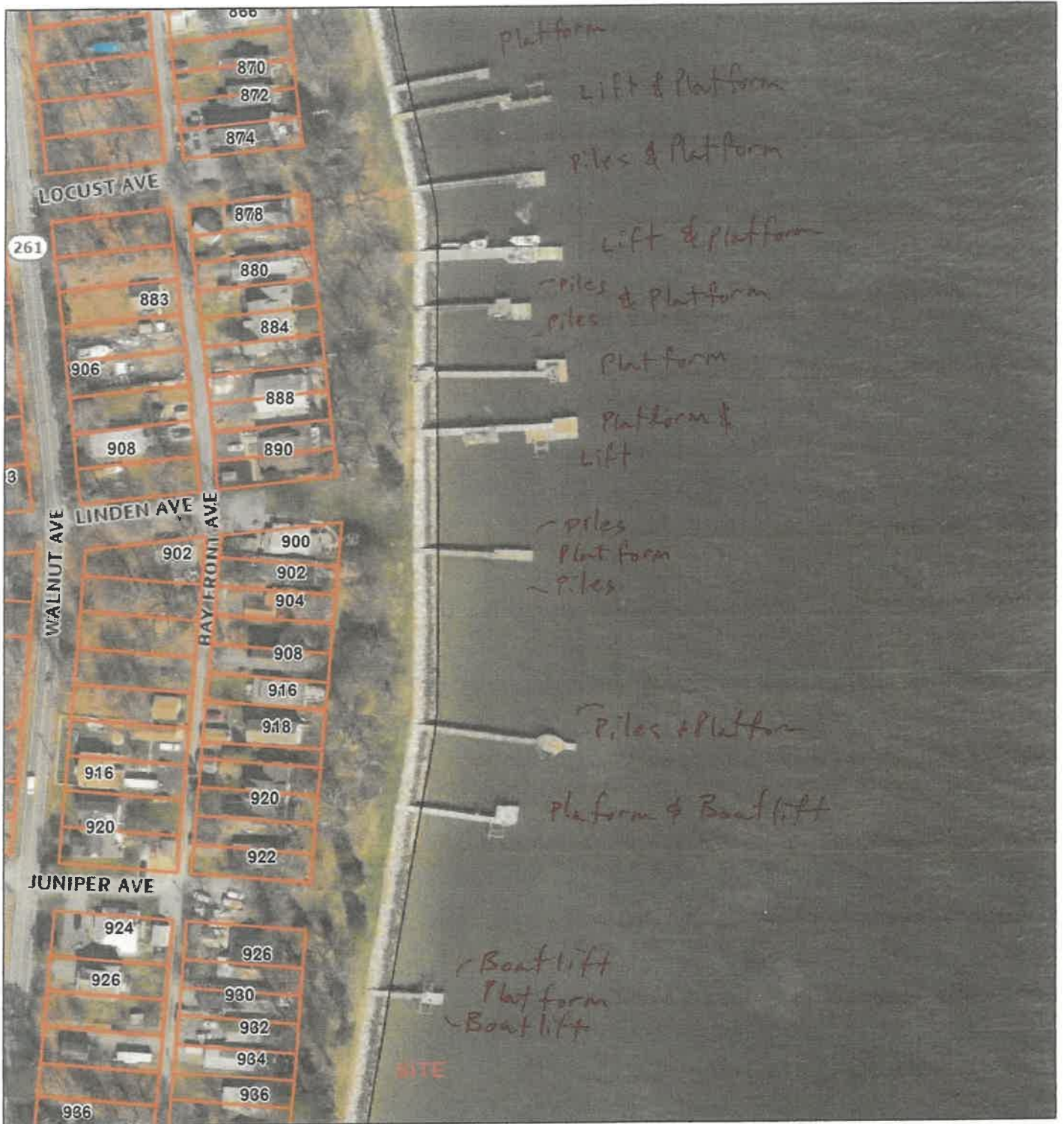
Owner: FULLCO, LLC
 934 Bay Front Ave
 North Beach, MD 20714
 Fig__of__



SCALE 1"=2'

<p>Proposed: New Pier with Lift County: Anne Arundel Waterway: Chesapeake Bay Date: 12/13/2023</p>	<p>5' Pier Cross Section 934 Bay Front Ave North Beach, Maryland</p>	<p>Owner: FULLCO, LLC 934 Bay Front Ave North Beach, MD 20714 Fig__of__</p>
---	---	--

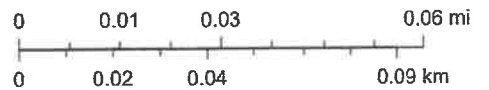
Boat Lifts 872-934 Bay Front Ave



3/14/2024, 9:19:52 AM

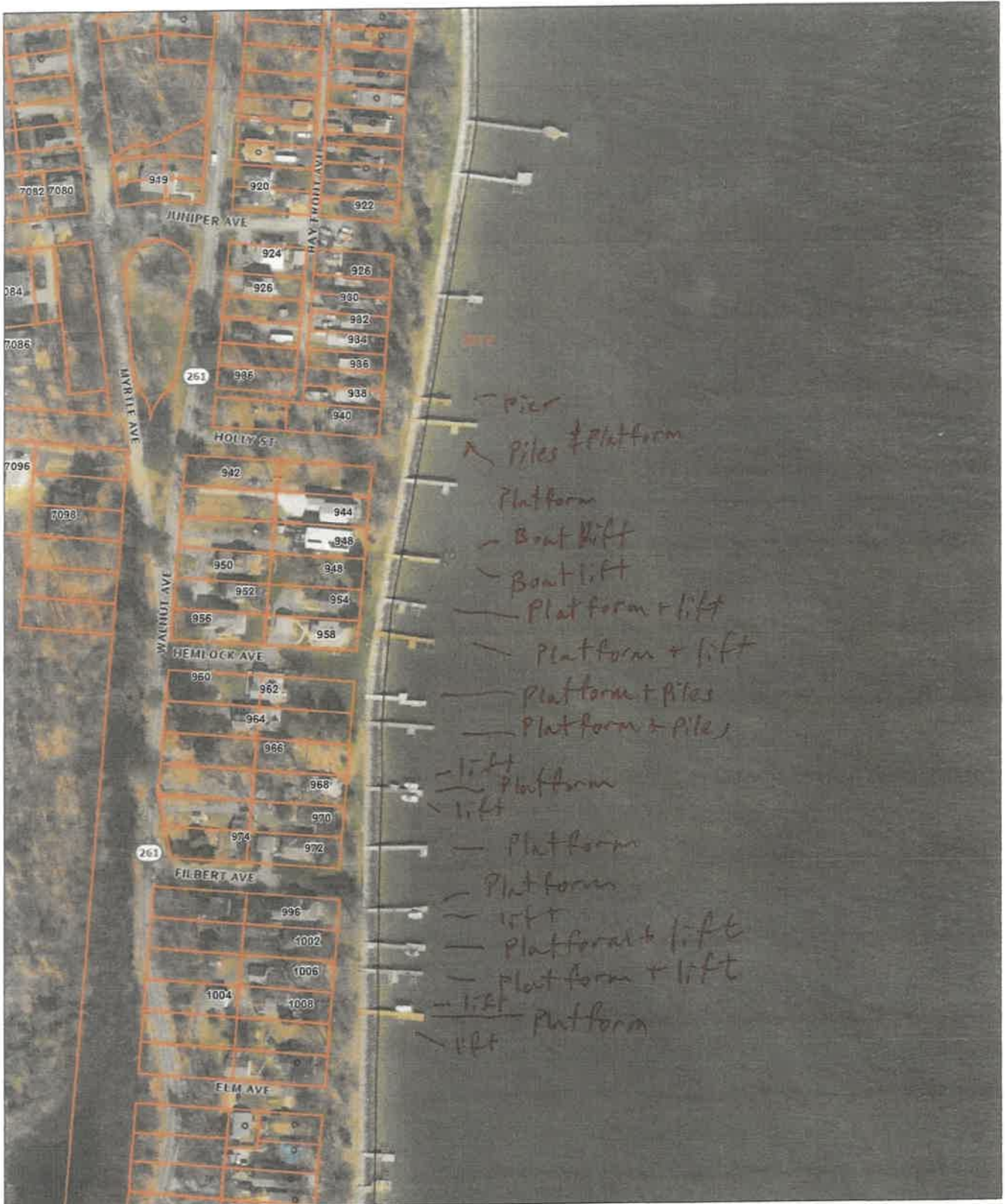
1:2,257

- State Road Label ■ Green: Green
- Local Road Label ■ Blue: Blue
- County Boundary Structure Address
- Orthophoto 2023 Parcels
- Red: Red



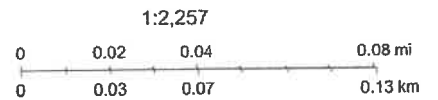
Esri Community Maps Contributors, Calvert County, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodataslyrsen, Rijkswaterstaat, GSA,

Boat Lift 934-1008 Bay Front Ave



3/14/2024, 9:15:08 AM

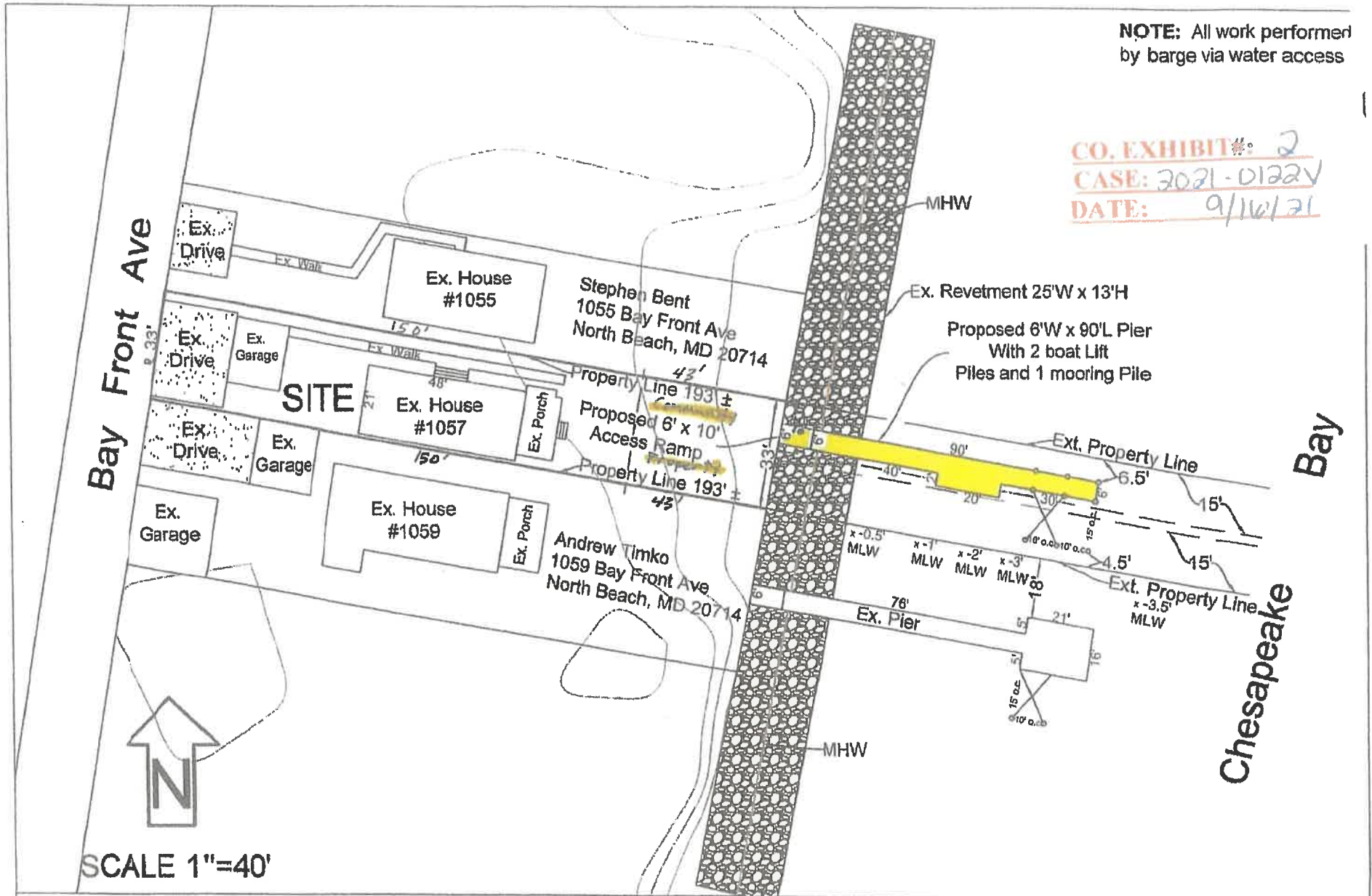
State Road Label	Orthophoto 2023	Blue: Blue
Local Road Label	Red: Red	o Structure Address
County Boundary	Green: Green	Parcels



Esri Community Maps Contributors, Calvert County, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA,

NOTE: All work performed by barge via water access

CO. EXHIBIT #: 2
CASE: 3021-0122V
DATE: 9/16/21

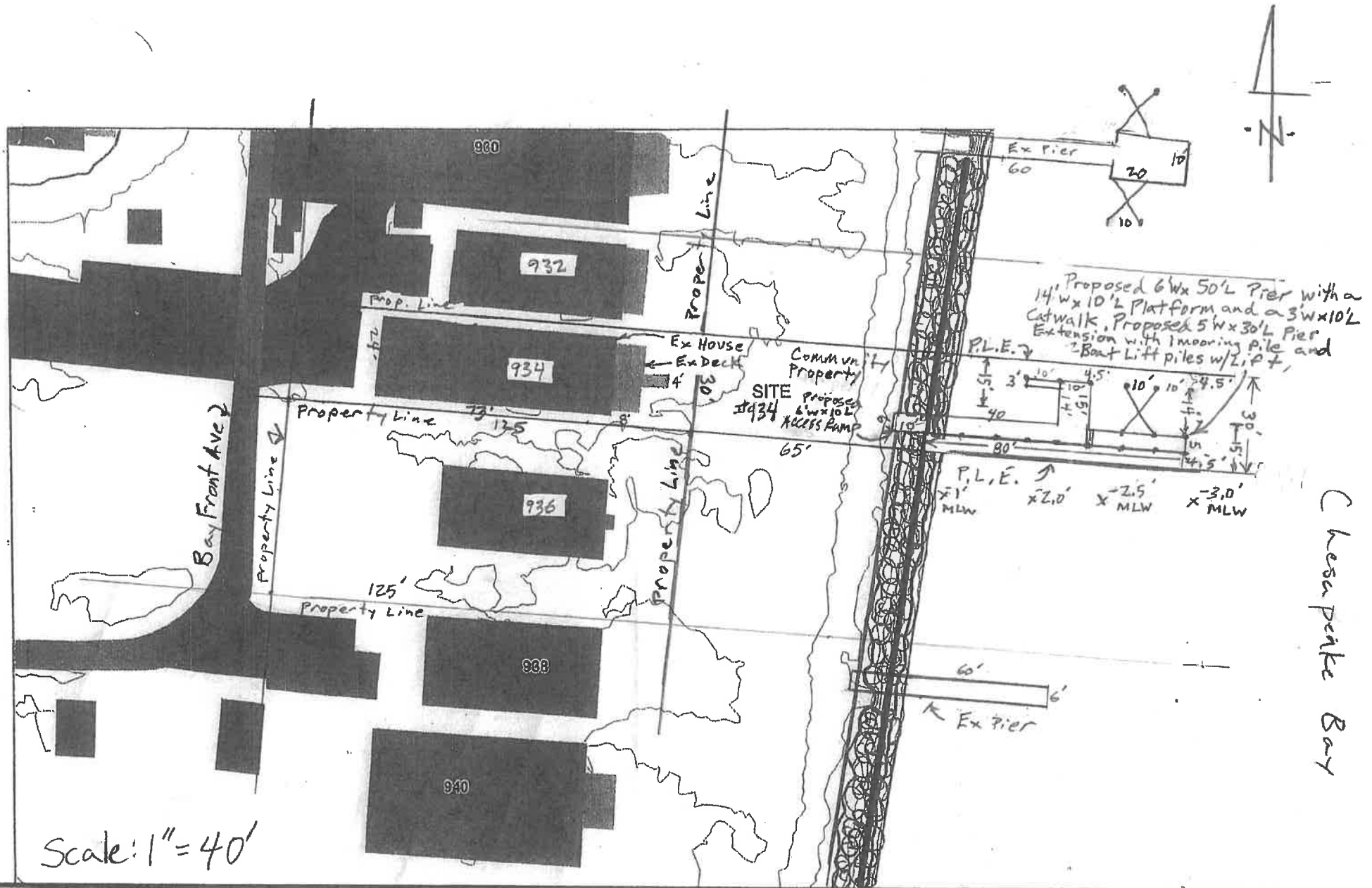


PROPOSED CONDITIONS SITE PLAN

Proposed: New Pier
County: Anne Arundel
Waterway: Chesapeake Bay
Date: 01/12/2020 Rev: 12/17/2020 Rev: 2/14/2021 Rev: 6/15/2021

1057 Bay Front Ave
North Beach, Maryland

Owner: Kevin Zerrusen
1057 Bay Front Ave
North Beach, MD 20714
Fid of



Scale: 1" = 40'

Proposed: New Pier w/ Lift
 County: Anne Arundel
 Waterway: Chesapeake Bay
 Date: 12/13/2023

PROPOSED CONDITIONS SITE PLAN
 984 Bay Front Ave
 North Beach, MD 20714

Owner: FULLCO, LLC
 c/o Matt Fullerton
 934 Bay Front Ave
 North Beach, MD 20714

Chesapeake Bay



Features

Paper Map DISCLAIMER:
 By acceptance of this map material, you agree as follows:
 This map material (the "material") is made available by
 Anne Arundel County, Maryland (the "County") as a
 public service.

The material is for reference purposes only, and the
 County makes no representations, warranties, or
 guarantees of the accuracy of the material.
**THE COUNTY MAKES NO, AND DISCLAIMS ALL,
 EXPRESS AND IMPLIED WARRANTIES RELATING TO THE
 MATERIAL, INCLUDING WARRANTIES OF
 MERCHANTABILITY, INTEGRATION, TITLE, AND
 FITNESS FOR A PARTICULAR PURPOSE.**

You release the County, its agents, servants, and
 employees, from any and all liability related to the
 material or any of it, including its accuracy, availability,
 use, and misuse. In no event shall the County be liable
 for any direct, indirect, incidental, consequential, or
 other damages, including savings, profits, fees, costs,
 loss of data, or business interruption, related in any
 way to the material or any of it, including its accuracy,
 availability, use, and misuse.

The material is in the public domain and may be
 copied without permission. Citation to the source
 is requested. Any errors or omissions in the material
 should be reported to the Anne Arundel County Office
 of Information Technology/Geographic Information
 Services Group.

Vicinity Map - 934 Bay Front Ave

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 3/21/2024

Tax Map #	Parcel #	Block #	Lot #	Section
82	008	21	5	9

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Tax ID: 8579-0144-9400

Project Name (site name, subdivision name, or other) Matt Fullerton Property

Project location/Address 934 Bay Front Avenue

City North Beach, MD Zip 20714

Local case number

Applicant: Last name Fullerton First name Matt

Company FULLCO, LLC

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Residential Property requesting Variance to setbacks for a new pier

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input checked="" type="checkbox"/> <i>Pier</i>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				0	0
LDA Area		3,750			
RCA Area					
Total Area			# of Lots Created	0	

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
Created Forest/Woodland/Trees			New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		N/A

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input checked="" type="checkbox"/> <i>Pier</i>