

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

APPLICANT: Daniel S. Harris

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0076-V

COUNCIL DISTRICT: 7

HEARING DATE: July 25, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is seeking a variance to allow boat lift pilings (2) with less setbacks than required and a pier with greater length than allowed on property located at 3934 Cove Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 8,100 square feet of land and is located with approximately 50 feet of frontage on the west side of Cove Road. It is identified as Lot 5 of Parcel 441 in Grid 23 on Tax Map 60 in the Ramsey Bay subdivision. The property is zoned R2 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The lot, with its waterfront along Pooles Gut, lies entirely within the Chesapeake Bay Critical Area LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a two-story dwelling, a residential pier with a platform, and associated facilities.

PROPOSAL

The applicant proposes to construct a 6ft x 12ft extension to the existing pier and to install two mooring pilings for a boat lift.

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 proposed westernmost mooring piling will be as close as 9 feet to the northern side lot line extended, necessitating a variance of 6 feet.
- The proposed easternmost mooring piling will be as close as 11 feet to the northern side lot line extended, necessitating a variance of 4 feet.

§ 18-2-404(c) 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 will extend 12 feet past the quarter channel line, necessitating a variance of 12 feet.

FINDINGS

The subject property is undersized in relation to the minimum lot size of 15,000 square feet for lots served by public sewer and the minimum lot width of 80 feet for lots in the R2 District. A review of the County aerial photography shows that the nearby waterfront lots on Pooles Gut contain piers, boat lifts and other associated improvements.

Building permit, B02410546, for the construction of an 11ft x 18ft platform to reconfigure the existing pier, was issued on August 12, 2022. It appears that work under that permit has not yet begun.

The applicant's letter explains that the variance request is to accommodate his adjacent neighbors' objections to the approved pier reconfiguration. Both neighbors believe that there would not be enough clearance to safely navigate between their existing boat lifts and his proposed boat lift, as all three would be parallel to the shoreline across the three narrow lots.

Agency Comments

The **Development Division (Critical Area Team)** has no objection to the requested variances.¹

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 practical difficulty is created by the adjacent piers which both have mooring areas parallel to the shoreline. Although the applicant obtained a building permit for a pier which complied with the Code, the configuration of that mooring area (also parallel to the shoreline) would create navigational hazards for all three properties. As such, their request for relief to reconfigure the pier for a mooring area perpendicular to the shoreline does not appear to negatively impact the navigation or use and enjoyment of the adjacent waterfront lots.

The applicant is proposing to extend the pier in order to access deeper water, and reduce the impact to the shallow water habitat area. Because the proposed pier extension and mooring pilings are relatively in line with the adjacent piers and mooring pilings, the granting of the variances 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.

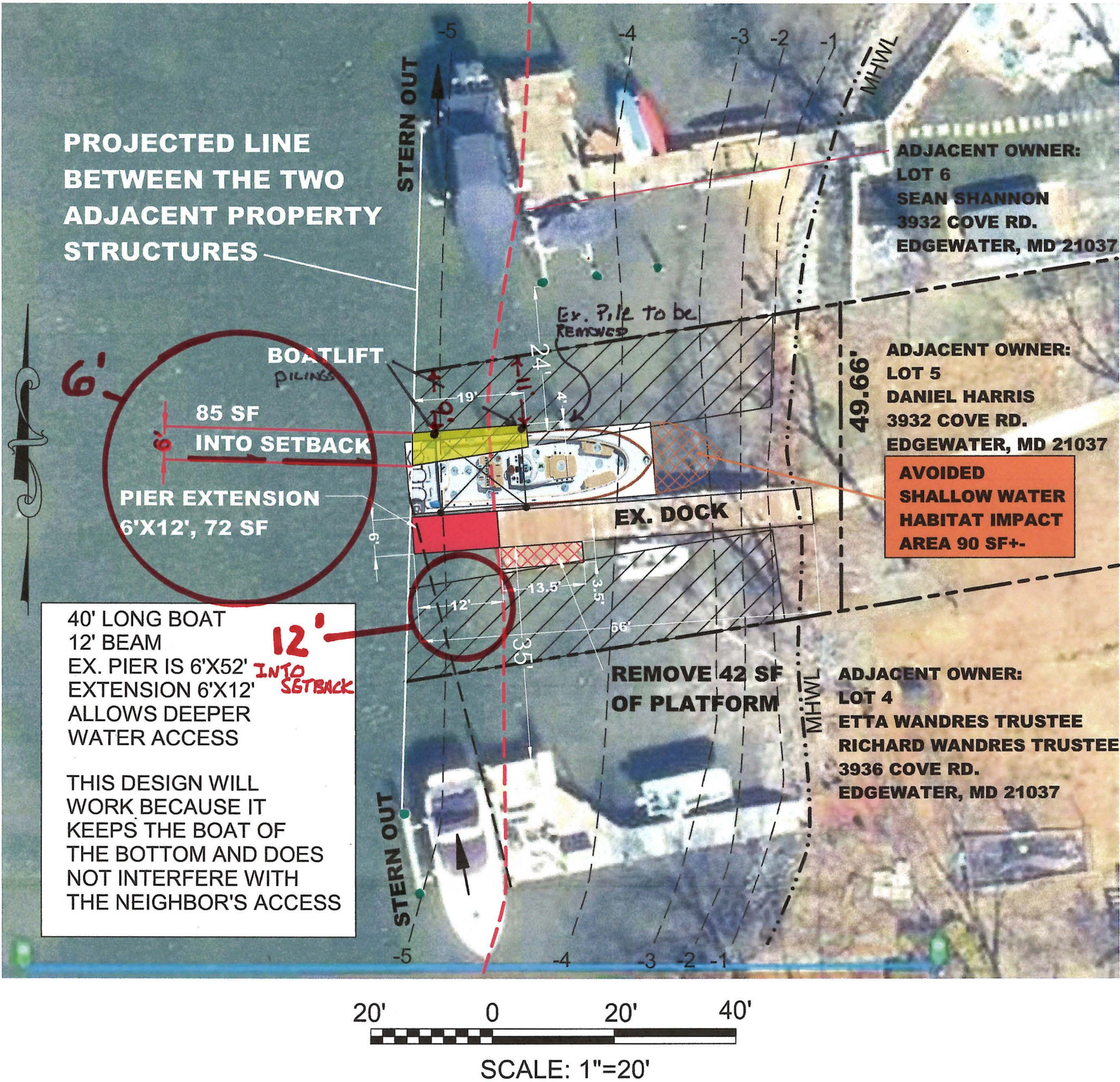
¹ Refer to the OPZ Critical Area Team's comments for their detailed response.

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 to allow boat lift pilings (2) with less setbacks than required and a pier with greater length than allowed, 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.

SITE PLAN FOR SAFE NAVIGATION FOR ALL 3 PARCELS



VARIANCE PROPOSED: 6' PROJECTION INTO THE SIDE YARD SETBACK, CODE SECTION 18-2-404 (b)
VARIANCE PROPOSED: 6' X 12' PIER EXTENSION, CODE SECTION 18-2-404 (c.1)

EXISTING PIER ENCROACHMENT INTO THE 15' SIDE YARD SETBACK IS 7', SEE EXHIBIT 7
PROPOSED PIER / BOATLIFT ENCROACHMENT INTO THE SIDE YARD SETBACK IS 6'
AVOIDS 90 SF +- DISTURBANCE TO SHALLOW WATER HABITAT (SWH)

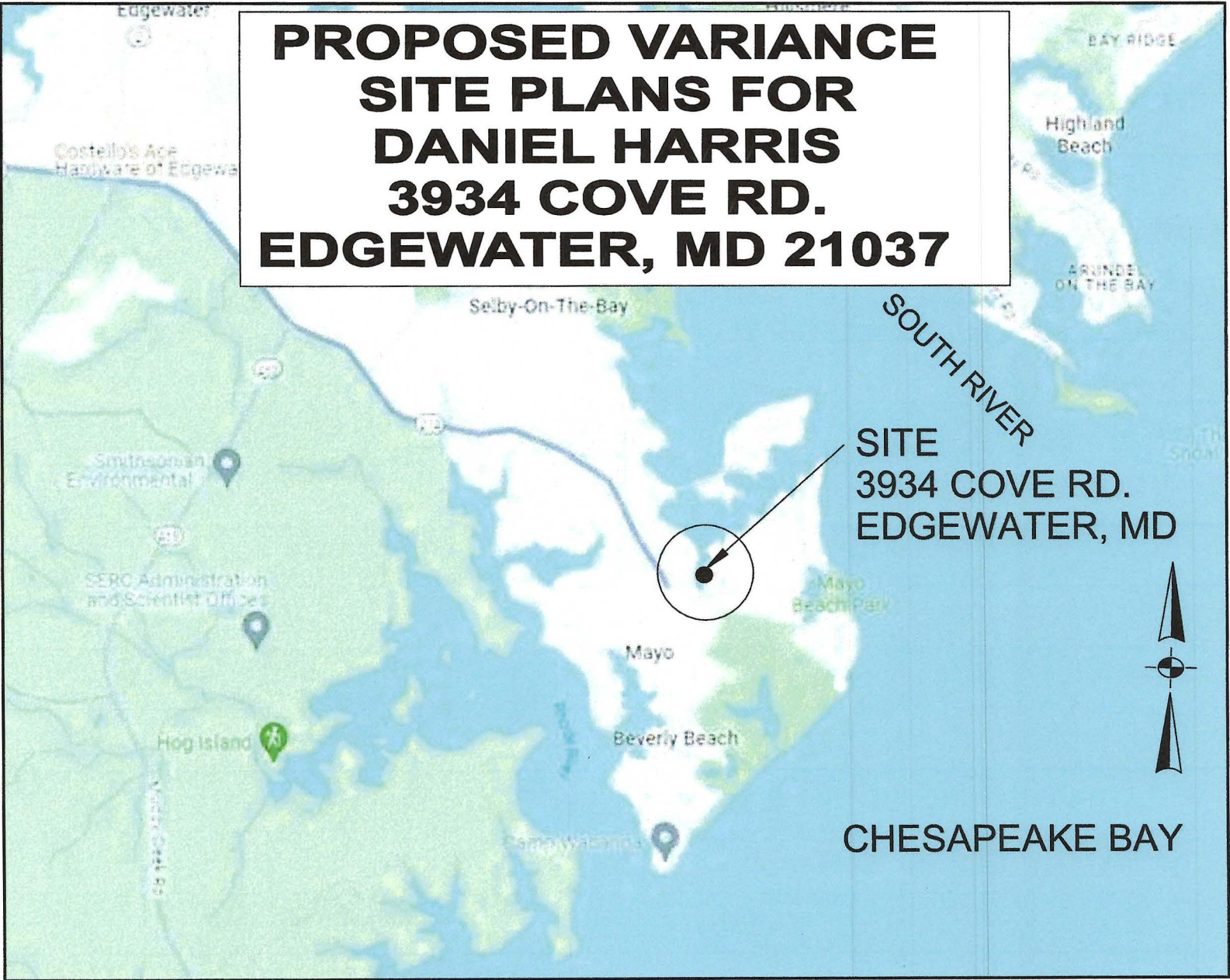
PROPOSED VARIANCE
SITE PLAN

EXHIBIT # 1

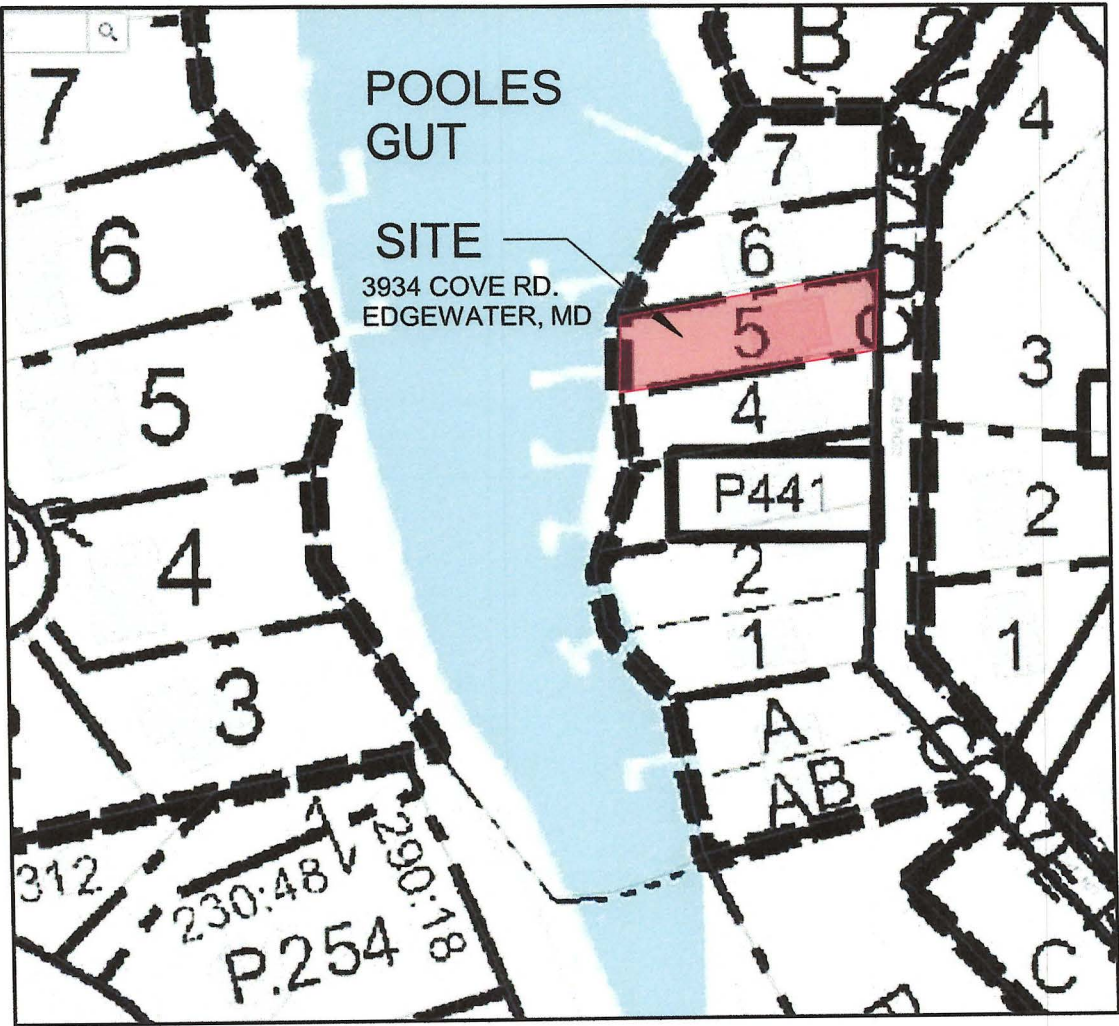
CHESAPEAKE BAY ENVIRONMENTAL
ENVIRONMENTAL CONSULTANTS - PERMIT FACILITATORS
2818 SOLOMONS ISLAND RD.
EDGEWATER, MD 21037
443-852-1047
DTPHIPPS@GMAIL.COM

OWNER : DANIEL HARRIS
MAILING ADDRESS: 3934 COVE RD.
EDGEWATER, MD 21037
SITE ADDRESS: 3934 COVE RD.
EDGEWATER, MD 21037
MAP: 60 GRID: 23 PARCEL: 441 SECTION 1 BLK A LOT 5
DEED REFERENCE: 38895 / 00418
DISTRICT - 01 TAX# - 00357000
ZONING: R2 CRITICAL AREA - LDA

IN: POOLES GUT
TOWN: EDGEWATER
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
APPL. BY: DANIEL HARRIS
DATE: 3934 COVE RD.
4/15/24 EDGEWATER, MD 21037



VICINITY MAP



TAX MAP

EXHIBIT # 2

PROPERTY LOCATION

CHESAPEAKE BAY ENVIRONMENTAL
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EDGEWATER, MD 21037
DATE: 4/15/24

Mid-Maryland Title Company, Inc.

200 Westgate Circle, Suite 102
Annapolis, Maryland 21401

P 410-573-0017 F 410-573-4997

www.midmdtitle.com



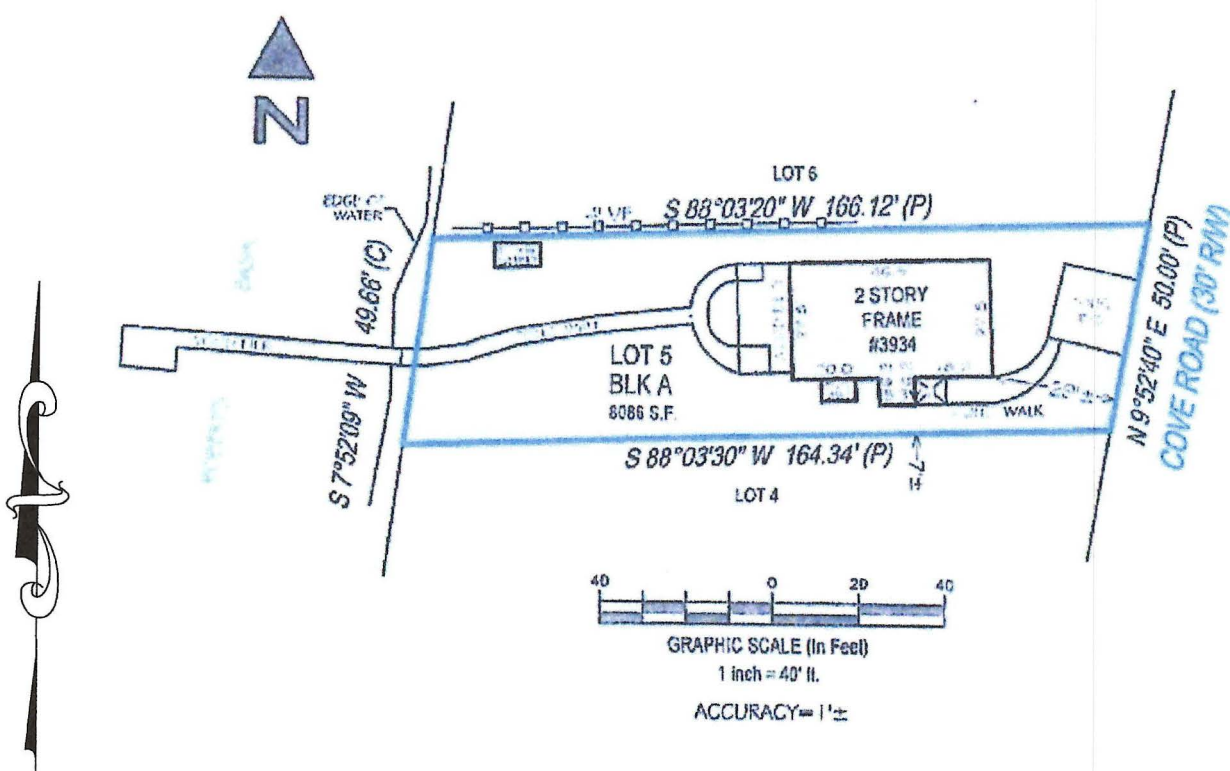
PROPERTY ADDRESS: 3934 COVE ROAD, EDGEWATER, MARYLAND 21037

SURVEY NUMBER: 2111.1810

2111.1810
LOCATION DRAWING
ANNE ARUNDEL COUNTY

PLEASE NOTE

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



William R. Hebert
WILLIAM R. HEBERT

State of Maryland Property Line Surveyor
License Number 403 | Expires 1/14/2023

SURVEYORS CERTIFICATION:

A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS.

POINTS OF INTEREST:

NONE VISIBLE



Exacta Land Surveyors, LLC
18A21533
office: 443.519.3994
1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014



DATE SIGNED: 11/12/21

FIELD WORK DATE: 11/11/2021

REVISION DATE(S): (REVO 11/12/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

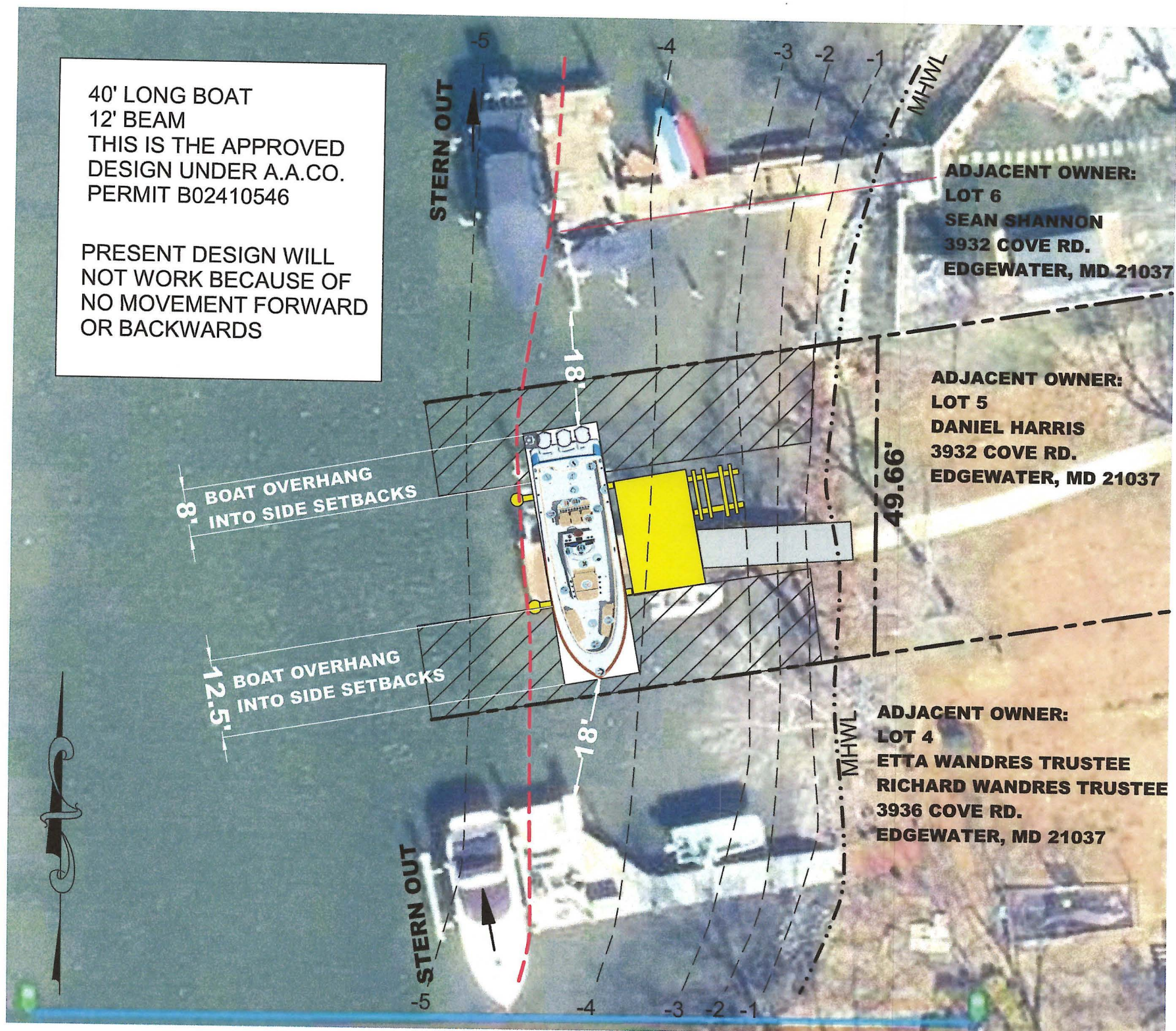
EXHIBIT # 3

PROPERTY SURVEY

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MDE APPROVAL # 22-PR-0913
AA COUNTY PERMIT # B02410546
THIS DESIGN IS HAZARDOUS TO NAVIGATION

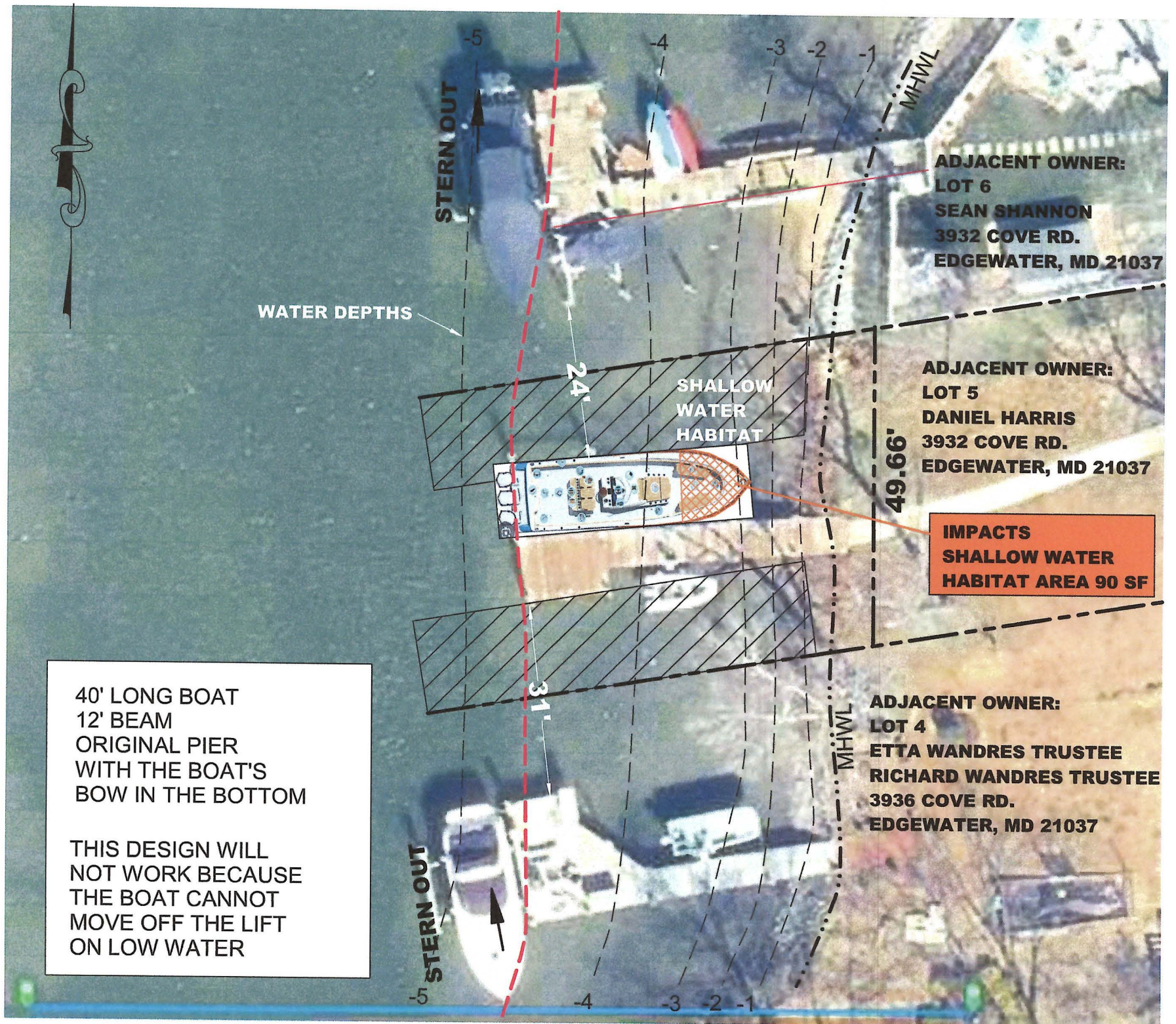
EXHIBIT # 5

**APPROVED DESIGN
WITH OWNERS 40'
BOAT IN THE LIFT**

**CHESAPEAKE BAY
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DATE: 3934 COVE RD.
4/15/24 EDGEWATER, MD 21037



SHALLOW WATER HABITAT COVERAGE 90 SF
 NOT ENVIRONMENTALLY PREFERRED

EXISTING CONDITIONS

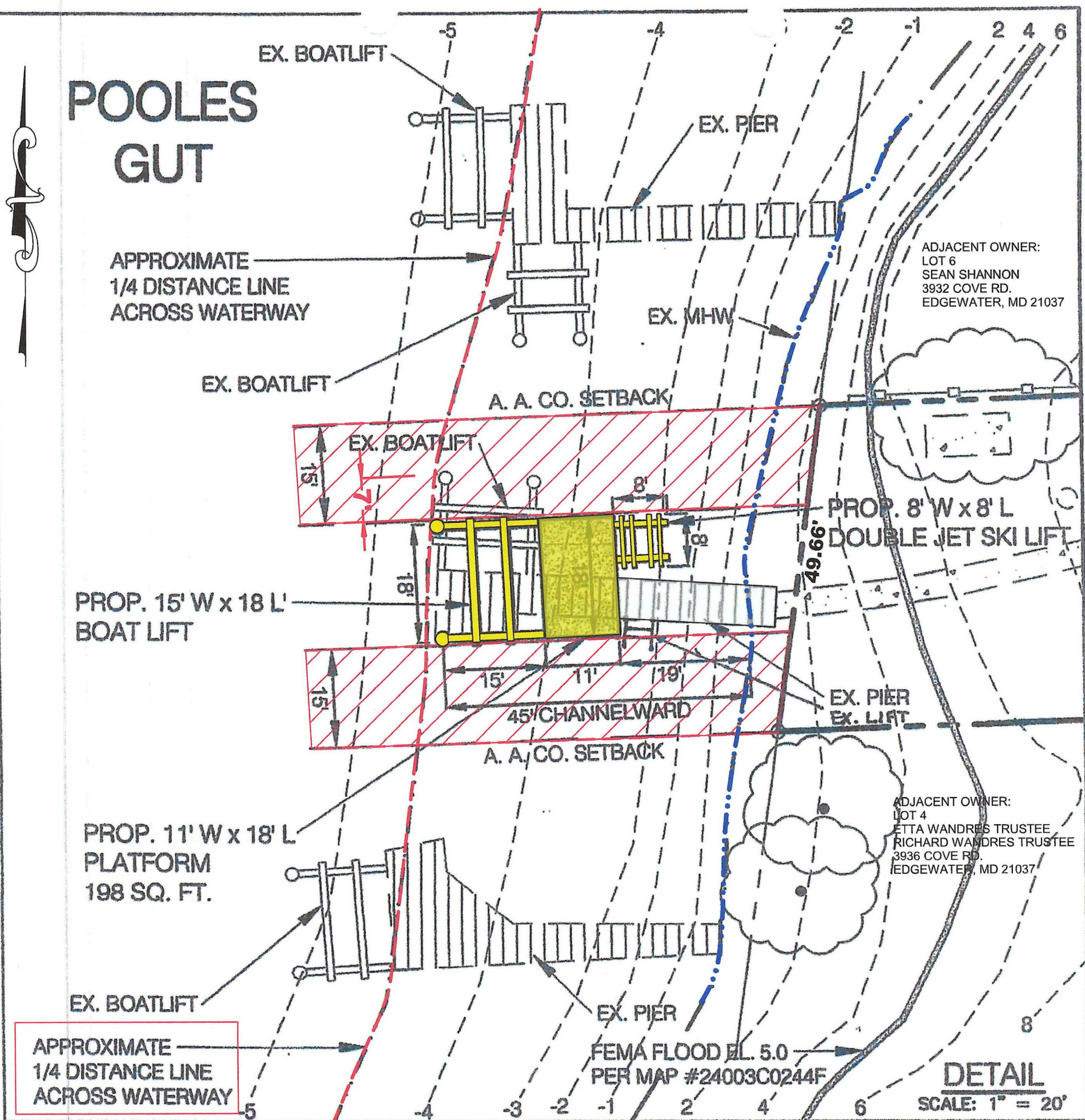
BOAT AT EXISTING
 PIER IMPACTS
 SHALLOW FISH
 HABITAT

EXHIBIT # 6

CHESAPEAKE BAY
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 ENVIRONMENTAL CONSULTANTS - PERMIT FACILITATORS
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STATE: MARYLAND
APPL. BY: DANIEL HARRIS
DATE: 3934 COVE RD.
4/15/24 EDGEWATER, MD 21037



DRAWING FOR PERMIT PURPOSES ONLY

<p>OWNER: DAN HARRIS MAILING ADDRESS: 12913 ESWORTHY ROAD POTOMAC, MD 20878 SITE ADDRESS: 3934 COVE ROAD EDGEWATER, MD 21037</p>	<p>MAP: 60 GRID: 23 PARCEL: 441 LOT 5 SUBDIVISION: 654 DEED REFERENCE: 38216/00042 DISTRICT: 1 ACCOUNT NUMBER - 00357000 ZONING: R2 CRITICAL AREA - LDA</p>	<p>EX. CONDITIONS</p>
<p>CHESAPEAKE BAY ENVIRONMENTAL 2818 SOLOMONS ISLAND ROAD EDGEWATER, MD 21037 CONTACT: DAVID T. PHIPPS PHONE: 443-852-1047 EMAIL: dtphipps@gmail.com</p>	<p>PROPOSED WORK: 1) PROPOSED 11' W x 18' L PLATFORM 198 SQ. FT. 2) PROPOSED 15' W x 18' L BOATLIFT 3) PROPOSED 8' W x 8' L DOUBLE JET SKI LIFT</p>	<p>LOCATION IN: POOLES GUT TOWN: PASADENA COUNTY: ANNE ARUNDEL STATE: MARYLAND DATE: 7/3/22 SHEET 5 OF 9</p>

EXHIBIT # 7

PROPOSED WORK
APPROVED 8/12/22
PERMIT B02410546
MDE APPROVAL #
22-PR-0913

CHESAPEAKE BAY ENVIRONMENTAL
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APPL. BY: DANIEL HARRIS
DATE: 4/15/24
3934 COVE RD.
EDGEWATER, MD 21037

**Chesapeake Bay Environmental
2818 Solomons Island Rd
Edgewater, MD 21037**

April 15, 2024
Office of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401
Re: 2024-0003-P
Daniel Harris, Applicant
3934 Cove Rd (Lot 4)
Edgewater, MD 21037

Revised Variance Information

The enclosed information is being provided as a result of a request of additional information by Anne Arundel County Planning and Zoning per pre-file 2024-0003-P.

I. Proposed Variances

- 1) 6' Variance to the 15' side yard setback, code section 18-2-404 (b)
- 2) 12' Variance Channelward of the required one half distance from the MHW to the center line of the body of water line to construct a 6' wide by 12' long pier extension per code section 18-2-404 (c) (1)

II. Letter of Explanation: The applicant Daniel Harris request a variance in order to store his boat at his pier without impeding adjacent property owners from safely docking and undocking their boats. If Harris variance is approved, it will reduce negative impacts to shallow water habitat.

The proposed variance should be approved for the following reasons:

- 1) This variance request originated with two adjacent property owners' objections to a conforming pier permit approved as B02410546. The two adjacent property owners are Sean Shannon (Lot 6) located at 3932 Cove Rd & Etta Wandres (Lot 4) located at 3936 Cove Rd. Both protested that 18 feet (as shown on Exhibit 5) was not enough clearance to safely navigate the distance between the applicant (Harris) boat (which was to be stored on an approved but not constructed boat lift) and both neighbors' boats stored at their existing lifts. (See Exhibit 5). To accommodate his neighbors (Harris) agreed to apply for a variance. Approval of the variance solves the navigational (safety) issue and reduces impacts to shallow water habitat.

- 2) Both Shannon and Wandres requested Harris store his boat parallel to Harris' own pier (perpendicular to the shoreline). Doing so avoids potential damage to Harris, Shannon's, and Wandres' Pier(s) and/or Boat(s). Correcting this navigational defect requires a Variance to avoid a hazard. Because of the narrow lot widths of all three properties, there is just not enough room to safely navigate docking and undocking from all piers (See Exhibit 5).
- 3) Harris did not create the condition that requires his proposed variance. Harris does not object to the granting of a permit and/or variance for both Shannon and Wandres existing structures. However, Harris should not be denied a variance because of both adjacent owners constructing allegedly unpermitted structures. Also, waiting for both neighbors to obtain their variances/permits to construct Harris pier should does not solve the navigation issues and is not a fair and reasonable option. Harris should be entitled to his variance independent of his neighbor(s) "need or requirement" to obtain a variance.
- 4) Additionally, a denial of the Harris variance request would deny Harris from the same riparian rights and privileges enjoyed by both adjacent owners – that being - safe navigation - (docking and undocking) of a similarly sized vessels currently existing at both neighbors existing piers. Harris is simply following the correct regulatory "steps" to meet his own needs by seeking proper and reasonable relief.
- 5) Harris proposed variance decreases his existing encroachment into Harris' Northern side yard setback by one foot from 7 feet to 6 feet (See Exhibit 1 & 7). The extra 1' of clearance creates additional navigating "room" for Shannon's smaller lift kept boat. More importantly Harris "permitted" pier should not be constructed because Harris cannot back out of the permitted boat slip without damaging Shannon's boat. The permitted 18' does not allow safe enough operating distance (See Exhibit 5).
- 6) On Harris Southern side of his property, if Harris' approved pier were constructed the space between Harris Boat and Wandres Pier is also unacceptable 18' (See Exhibit 5). Alternatively, if Harris Variance was approved, the distance between Wandres existing pier and Harris pier (after removal of a portion of Harris platform) is an acceptable navigating distance of 35' (See Exhibit 1).

- 7) Granting Harris a variance is environmentally preferred over any other reasonable scenario. Additionally, Harris existing approve pier permit is not navigable to Harris or to his neighbors. Additionally, not granting the 12' pier extension variance will result in disturbing 90 sq ft of Shallow Water Habitat (SWH) on an ongoing basis. CBE believes the environmental impact was unforeseen by County Critical Area Team (CAT).

If Anne Arundel County does not grant Harris a variance to extend the pier 12', Harris will have choice other than to replace the existing lift "in kind", (which he is entitled to do so under the Current MDE and County regulations) which will unfortunately result in the following environmental harm:

- A. Shade/Disturb shallow water habitat.
 - B. Prevents the establishment & growth of Submerged Aquatic Vegetation in shallow water.
 - C. Results in prop wash stirring up the bottom while undocking at lower tides degrading water quality.
- 8) As a condition of variance approval, the applicant will obtain a revised MDE permit matching all conditions of the approved variance.

For all these reasons Harris desires Anne Arundel County Staff support of the proposed variance request.

III. The pier design submitted with this variance application is the minimum necessary for relief because :

- It does Not extending beyond a line between the existing most Channelward structure of both adjacent neighbors. (See Exhibit1)
- Is not a denial similar rights enjoyed by adjacent properties and other is consistent with pier lengths and designs of other Piers on the Creek.
- Poses no navigational hazards to neighbors.
- Poses no navigational hazard to any vessel navigating the head waters of the waterway.
- Harris vessel would be permanently stored in preferred deeper water.
- It Does not, on an ongoing basis, disturb shallow water habitat or potential submerged aquatic vegetation growth areas.
- Prevents prop wash degrading water quality.

IV. Answers to Critical Area Team Comments:

Critical Area Comment (CAT) Comment 1& 2: 1) It should be noted that the applicant currently has an issued pier replacement permit that cannot be constructed due to unpermitted work on the adjacent properties. 2) Pilings installed without permits at 3936 Cove Road and improvements at 3932 expanded both piers beyond current regulations for length

CBE Answer to CAT Comment 1 & 2 Combined: Approving the Harris Variance makes common sense and is environmentally preferred. Although the County's perception that the applicant's pier cannot be constructed because of the existing adjacent structures is accurate, it is especially important to understand "why" they were constructed in their existing location in the first place. ***With the combined area of 3 narrow lots and the existing water depth there not enough safe operating area for the applicant and his neighbors to safely navigate docking their vessels other than what is existing and what is requested with the proposed two variances. Nor is there a better alternative that would provide a greater benefit to the environment than the location of the existing adjacent piers and approving the two requested Harris variances.***

CAT Comment 3: The applicant should provide a clear site plan, showing the proposed work with all dimensions, and distances between the closest structures of each adjacent pier with the variance application.

CBE Answer to CAT Comment 3: See enclosed site plans with distances.

3A - Detail Answer Given Regarding Issued Permit B02410546: The closest distance of the stern of the Harris boat (to be kept on the "approved & permitted" lift parallel to the shoreline (and perpendicular to the end of the "approved" pier per B02410546) and the closest distance Lot 6 (Shannon's) nearest pile to North is 18'. The distance between the bow of the same Harris boat on the same permit to the Wandres Pier on Lot 4 to the South is also 18'. These narrow distances are clearly a hazard to safe navigation. (See Exhibit 5).

3B - Detail Answer with Proposed Variance Request:

- At the North Side of Harris Property - The closest distance from Harris proposed lift with the requested variance to Shannon's Boat is 24' (an increase of 6' over the 18' that was permitted) See Exhibit 1 & Exhibit 5. Furthermore, with approval of the Harris variance, Harris can safely back his boat out toward open water rather than backing into Shannon's dock or boat which would have been the case if the permitted dock were constructed.
- At the South Side of Harris Property - The closest distance between the South side of the Harris Pier (per the variance request) to the closest point on Wandres pier on Lot 4 to the South is 35' (See Exhibit 1). This is clearly safer than the permitted 18' shown on Exhibit 5. The variance increases the operating distance between Harris and Wandres by 17' from 18 feet to 35 feet.

With Harris approved variance, all Harris and both of his neighbors must do to safely navigate their docks is simply back their boats straight out of their boat slips.

- The Exhibit 1 pier design (subject to variance approval) results in safely navigating 3 piers.
- The Exhibit 5 pier design per approved permit B02410546 is not navigable to anyone.

CAT Comment 4: A variance to the 15' side setback would be preferable to a variance to the maximum allowed length with the boat lift reoriented perpendicular to the shoreline (parallel to the main pier).

CBE Answer to CAT Comment 4: As aforementioned, the variance to the side yard setback, with no pier extension, with a boat perpendicular to the shoreline as preferred by CAT, (with basically no change to the existing permitted pier) is not preferable because it would result in negative environmental impacts on Shallow water Habitat (Exhibit 6).

- Granting a 12' pier extension variance has no negative practical and environmental impacts and is safe to navigate (Exhibit 1).
- Not granting the variance would result in constructing a permitted pier that is hazardous (Exhibit 5).

V. MDE Preference to Avoid Shallow Water Habitat

The MDE indicated to Harris that replacing his existing boat lift “in kind” negatively impacted shallow water habitat and was not preferable environmentally. The MDE requested that Harris relocate his boat lift to deeper water at the Channelward end (and parallel) to his proposed pier platform. Harris agreed, applied for, and was issued an MDE permit 22-PR-0913. Unfortunately, (and unbeknownst at the time of permit issuance), the “approved” pier design created severe and unforeseen navigational issues resulting in Both neighbor’s objection to the pier design. It should be no surprise that both neighbors threatened to appeal Harris’ approved permits. To accommodate his neighbors, Harris offered to change the design. CBE determined that in order to meet MDE requirements, and not create a navigational hazard, nor harm the environment, Harris needed to increase the distance his proposed pier and lift was from both neighboring structures and extend the existing pier 12’ in order to access deeper water outside of shallow water habitat. The final design is the Variance plan per Exhibit 4. The proposed variance design is the minimum necessary for relief.

VI. Conclusions:

The appropriate pier and boat lift design for all properties that result in no navigation hazards and no environmental impact is shown on Exhibit 1 and has following characteristics:

- *A boat lift parallel to the Harris pier (perpendicular to the shoreline) with 12’ pier extension.*
- *Perpendicular boats being stored at the end of both adjacent piers & parallel to the shoreline (as existing).*
- *All piers’ boat lifts being in the deepest available water (as existing on adjacent properties and as proposed with Harris 12’ pier extension).*
- *Removal of 42 sq ft of platform in shading shallower water and adding 72 sq (from a 6’ by 12’ pier extension) in deeper water where there is no impact on shallow water habitat.*
- *Most importantly, if the variance is approved, it avoids approximately 90 sq ft of Harris’ vessel being stored over shallow water habitat in an area between -2.5’ to 3.5’ depth of water.*
- *If the Harris Variance is denied, Harris will have no choice other than to replace the existing boat lift “in kind.” At almost all tides, a portion of the boat and/or the lift beams will rest on the bottom. This will require a*

significant amount of thrust to remove the boat from the lift (prop washing a great area of shallow water habitat) degrading water quality.

- Granting the variance, grants Harris the same rights as his neighbors, is environmentally preferred and is the minimum necessary for relief.
- Granting the variance will result in removal of 90 sq. ft. area impacting shallow water habitat, will result in removal of 42 sq. ft. of platform shading shallower water, create harmony among the neighbors by creating safe navigational distances for a Harris and his neighbors.

V. Standards for granting a variance.

Anne Arundel County Code allows for Practical difficulties or unnecessary hardships to prevent carrying out the strict letter of the County Code, provided the spirit of law shall be observed, public safety secured, and substantial justice done.

CBE believes the Harris has demonstrated in this application that Harris meets these conditions.

CBE has demonstrated affirmatively that:

1. The existing and adjacent lots are narrow.
2. There is no reasonable possibility of avoiding practical difficulties or developing the lot in strict conformance of this Code without causing or creating a navigational hazard or harming the environment. There is simply no other way for Harris (and for Harris neighbors) to safely store their vessel(s) on their properties.
3. Financial considerations are not a reason for this variance request.
4. The variance prevents impacts to shallow water habitat.

The County can grant the variance based in an affirmative written finding that:

1. Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the lot, or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County critical area program would result in an unwarranted hardship.
2. The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR or the County critical area program to other lands or structures within the County critical area.

CBE demonstrated that the applicant meets these requirements.

1. Granting the variance makes common sense.
2. The applicant should not be penalized for doing the right thing and seeking a variance. Harris, for now, is the only property owner among 3 that is doing “the right thing” by adhering to the County Code and requesting this variance.

CBE has demonstrated that the applicant meets the spirit and intent of COMAR and Anne Arundel County Provisions for granting of the variance request. The variance request is not based on conditions or circumstances that are the result of actions by the applicant, because there has been no commencement of development activity. The applicant’s situation does not arise from a condition relating to land or building use. This application arises from a waterway based navigational needs and the desire to not cause environmental harm. CBE has affirmed that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Count Critical Area or a Bog Protection Area and is in harmony with the general spirit and intent of the County critical area program or bog protection program. There are no violations on site.

CBE is confident the County will find:

- (1) the variance is the minimum variance necessary to afford relief.
- (2) the granting of the variance will not:
 - Alter the essential character of the neighborhood or district in which the lot is located.
 - Substantially impair the appropriate use or development of adjacent property.
 - Reduce forest cover in the limited and resource conservation areas of the critical area.
 - Be contrary to acceptable clearing and replanting practices required for
 - development in the critical area or bog protection area; or
 - Be detrimental to the public welfare.
 - There is no proposed additional lot coverage.
 - There is no removal of vegetation.
 - There is no impact to vegetation.
 - There is a reduction of impacts in shallow water areas.
 - Is at the request of both adjacent owners.

VI. Zoning Administration Section:

County Comment 5 - When submitting the documents for the variance request, each document type must be submitted separately:

VII. See Enclosed:

1. Current Deed
2. List of Property Owners within 300 ft of the subject property (copies of SDAT sheets will not be acceptable)
3. Critical Area Project Notification Application Form (available to download at aacounty.org)
4. Critical Area Report Narrative and Topographic Map
5. The neighbors' statements.
6. Aerial Photos

For all the aforementioned reasons this variance request should be granted.

David T. Phipps has been providing environmental and permitting consulting services as Chesapeake Bay Environmental (CBE) since 1991 (33 years) and has processed and obtained over 2500 Federal, State and Local permits. David T. Phipps has been qualified as an expert witness, in zoning and environmental matters before the Army Corps of Engineers, Maryland Department of the Environment, Anne Arundel County, Calvert County, St. Mary's County, Talbott County, Baltimore County, Dorchester County, Somerset County, Worcester County, and multiple waterfront Municipalities throughout the state of Maryland.

If anyone has any questions, comments, or requests additional information, please contact me at dtphipps@gmail.com, on my cell at 443-852-1047, or via mail at Chesapeake Bay Environmental, 2818 Solomons Island Rd, Edgewater, MD 2103

David T. Phipps, CBE

**Chesapeake Bay Environmental
2818 Solomons Island Rd
Edgewater, MD 21037**

April 15, 2024
Office of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401
Re: 2024-0003-P
Daniel Harris, Applicant
3934 Cove Rd (Lot 4)
Edgewater, MD 21037

- I. Critical Area Report : For property in the Chesapeake Bay Critical Area (property 1,000 feet from all tidal waters)

1. Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

Response: The existing proposed use is R2 residential waterfront lot with an existing residential pier.

2. Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.

Response: The Existing Coverage Trees +/-165 sq. ft – The existing coverage of Shrubs +/- 486 sq ft. The is no prosed disturbed area and no proposed additional lot coverage. There is no proposed mitigation as the lot conforms to the lot coverage standards of Anne Arundel County

3. Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).

Response: There are no negative impacts to water quality. The proposed variance if granted will prevent a 90 sq. ft. area permitted will result in less potential disturbance of Shallow water habitat as the result of the vessel being stored in deeper water over what is currently approved by the issued building

permit. Federal and state regulations prefer pier extensions over dredging shallow habit for deep water access.

4. Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.

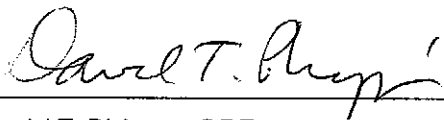
Response: The lot conforms to the existing impervious area requirements. There is no proposed additional lot coverage.

5. If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.

Response: There are no habitat protection areas on site, there are no expanded buffers, no steep slopes, no waterbird nesting sites, no historical waterfowl staging area, no riparian forests, no natural heritage area, and no plant and wildlife habitats of local significance, and there is no wetland vegetation to be removed.

6. See Enclosed Topographical Map

Respectfully Submitted,

A handwritten signature in cursive script, reading "David T. Phipps", written in black ink. The signature is positioned above a horizontal line.

David T. Phipps, CBE

EXHIBIT 16
SHANNON
PIER
3932 Cove Rd



EXHIBIT 17
WANDRES
PIER
3936 COVE RD



From:

Etta Wandres
Richard Wandres
3936 Cove Rd
Edgewater, MD 21037

To:

Dan Harris
3934 Cove Rd
Edgewater, MD 21037

January 24th, 2023

Dear Mr. Harris,

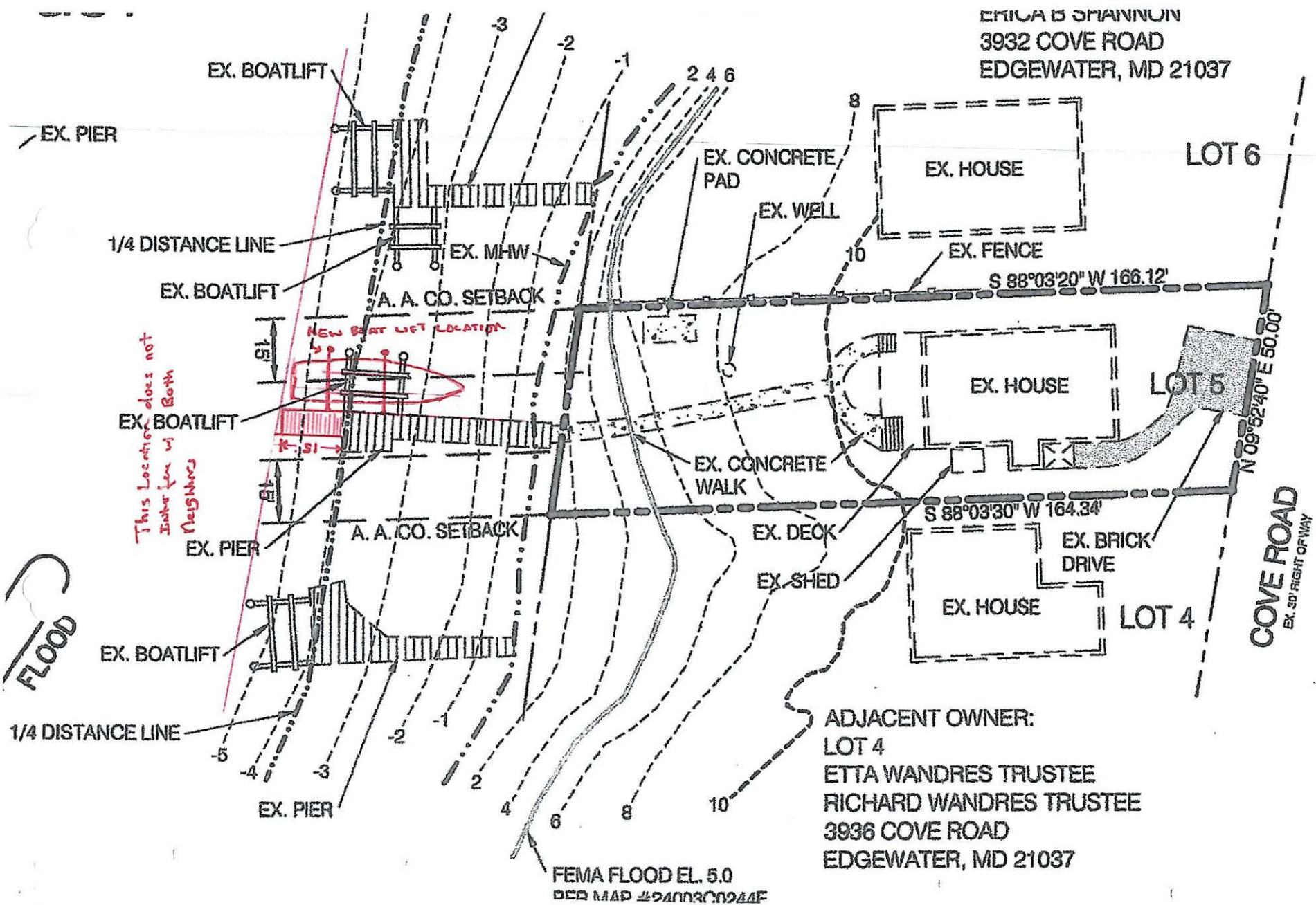
I reviewed your proposed permit and noticed that you are proposing to keep a 40' boat on a lift at the end of your dock. Please be advised that the bow of the boat will encroach into the 15' setback between our properties by almost 14'. This is not acceptable to us. How did the county approve this?

We are asking that you reconsider your design and place your boat where the current lift is located. Why did Chesapeake Bay Environmental not consider extending the pier? That would be a better option. Also, if it helps, we do not mind if you extend your pier provided it is not any longer than our pier. If you can make this change it would be greatly appreciated. Please let us know how we can help resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Etta & Richard Wandres', is written over a horizontal line. The signature is stylized and cursive.

Etta & Richard Wandres



Sean Shannon
3932 Cove Rd
Edgewater, MD 21037

January 22, 2023
Dan Harris
3934 Cove Rd
Edgewater, MD 21037

VIA Email Delivery: archclub@aol.com

Dear Dan,

I had a chance to review your recently approved pier permit. I am not sure why your engineer designed the relocation of the boat lift the way they did but keeping your boat perpendicular to your pier is not a good design. You cannot possibly back out your 40' boat from the proposed lift location without hitting one or both my boats and also damaging your boat. The stern of your 40' boat will be approximately 15' from my boats. How did this receive approval? This is not acceptable.

Please consider revising the design and keeping your boat parallel to your existing dock. I also don't mind if you need to extend your pier to do so. I have enclosed what I think is a better design. Please let me know if you would consider this. I am not usually objectionable, and I believe you will agree that what I am proposing is better for both of us. Please give me a call as soon as possible.

My cell is 240-695-3934 and my email is sean@cmsplastic.com.

Sincerely,


Sean Shannon

22-PR-0913
202261434
12/19/2022
Sheet 3 of 9

POOLES GUT

ADJACENT OWNER:
LOT 6
SEAN SHANNON
ERICA B SHANNON
3932 COVE ROAD
EDGEWATER, MD 21037

LOT 6

EX. HOUSE
EX. FENCE
S 88°03'20"W 161.12'
EX. HOUSE
DAN HARRIS
3934 COVE RD
EDGEWATER, MD
EX. SHED
S 88°03'30"W 164.24'
EX. HOUSE
LOT 5
COVE ROAD

ADJACENT OWNER:
LOT 4
ETTA WANDRES TRUSTEE
RICHARD WANDRES TRUSTEE
3936 COVE ROAD
EDGEWATER, MD 21037

LOT 4

EXISTING CONDITIONS
SCALE: 1" = 50'

DETAIL
SCALE: 1" = 20'

FEMA FLOOD EL. 5.0
PER MAP #24003C024IF

my boats

Your boat

EBB
FLOOD

PORCH WITH EX. PERH TO REMAIN
6x80 PERH WITH 5x5 BOAT LIFT (120 SF)
6 W x 3 AND 4 ACCESS WALKWAY ABOVE MIN. FLOOR PLAN

PORTION OF EX. PERH TO BE REMOVED PER PLATFORM AND BOATLIFT

MAX. LENGTH OF EXIST. MHW 47' IN TOTAL

<p>OWNER: DAN HARRIS MAILING ADDRESS: 12913 ESWORTHY ROAD POTOMAC, MD 20878 SITE ADDRESS: 3934 COVE ROAD EDGEWATER, MD 21037</p>	<p>MAP: 60 GRID: 23 PARCEL: 441 LOT 5 SUBDIVISION: 654 DEED REFERENCE: 38216/00042 DISTRICT: 1 ACCOUNT NUMBER - 00357000 ZONING: R2 CRITICAL AREA - LDA</p>	<p>EX. CONDITIONS</p>
<p>CHESAPEAKE BAY ENVIRONMENTAL 2818 SOLOMONS ISLAND ROAD EDGEWATER, MD 21037 CONTACT: DAVID T. PHIPPS PHONE: 443-852-1047 EMAIL: dtphipps@gmail.com</p>	<p>PROPOSED WORK: 1) PROPOSED 11' W x 18' L PLATFORM 198 SQ. FT. 2. PROPOSED 16' W x 18' L BOATLIFT 3. PROPOSED 8' W x 8' L DOUBLE JET SKI LIFT</p>	<p>LOCATION IN: POOL'S GUT TOWN: PASADENA COUNTY: ANNE ARUNDEL STATE: MARYLAND DATE: 7/3/22 REV: 11/25/22 SHEET 3 OF 5</p>

22-PR-0913
202261434
12/19/2022
Sheet 3 of 9



OWNER: DAN HARRIS
MAILING ADDRESS: 12913 ESWORTHY ROAD
POTOMAC, MD 20878
SITE ADDRESS: 3934 COVE ROAD
EDGEWATER, MD 21037

MAP: 60 GRID: 23 PARCEL: 441
LOT 5 SUBDIVISION: 654
DEED REFERENCE: 30216/00042
DISTRICT: 1 ACCOUNT NUMBER - 00357000
ZONING: R2 CRITICAL AREA - LDA

EX. CONDITIONS

CHESAPEAKE BAY ENVIRONMENTAL
2818 SOLOMONS ISLAND ROAD
EDGEWATER, MD 21037

CONTACT: DAVID T. PHIPPS
PHONE: 443-852-1047
EMAIL: dtphipps@gmail.com

PROPOSED WORK:

- 1) PROPOSED 11' W x 18' L PLATFORM 198 SQ. FT.
2. PROPOSED 16' W x 18' L BOATLIFT
3. PROPOSED 8' W x 8' L DOUBLE JET SKI LIFT

LOCATION

IN: POOL'S GUT
TOWN: PASADENA
COUNTY: ANNE ARUNDEL
STATE: MARYLAND
DATE: 7/3/22
REV: 11/25/22 SHEET 3 OF 9

Task Details OPZ Critical Area Team

Assigned Date

04/19/2024

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

Mr. David Phipps of Chesapeake Bay Environmental has provided solid evidence in his support of this requested variance. The previously issued permit for a pier reconfiguration which kept all proposed structures within the required setbacks was approved based on the Zoning requirements of 18-2-404. It should be noted that this office does not review pier permits based on the proposed size of the watercraft but on how the proposed pier structures affect the surrounding use and enjoyment of the waterfront. Neither does this office have jurisdiction over water depths in relation to platforms and boat lifts; that lies within MDE's jurisdiction. With the discovery of a 40' boat docking in a very narrow water area, it is agreed that this proposed pier configuration is a safer configuration for Mr. Harris and is more environmentally friendly. Mr. Phipps has met the requirements of Article 18-16-305(a) and (c) therefore, The Office of Planning and Zoning has no objection to the requested variances. Approval of the building permit under this variance will be determined in conjunction with an approved MDE license.

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

05/09/2024

Assigned to Department

OPZ Critical Area

Status Date

05/06/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

☐ Display E-mail Address

☒ Display Comments

Expiration Date

Reviewer Phone Number

410-222-6136

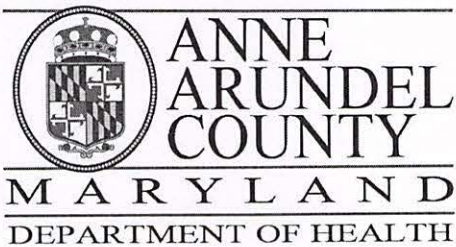
Review Notes

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 *BC*
Sanitary Engineering Program

DATE: April 26, 2024

CASE
NUMBER: 2024-0076-V
Daniel S. Harris
3934 Cove Road
Edgewater, MD 21037

SUBJECT: Variance/Special Exception/Rezoning

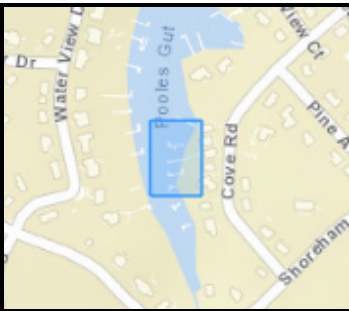
The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply systems.

The Health Department has no objection to the above referenced request.


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

cc: Sterling Seay

3934 Cove Road (2024-0076-V)




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



04080ft

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.

none



Notes