

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

APPLICANT: Peter & Jennifer Stournaras, Trustees

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0040-V

COUNCIL DISTRICT: 6

HEARING DATE: May 6, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow a new dwelling and an accessory structure (pool) with less setbacks and buffer than required, disturbance to slopes of 15% or greater, and the new dwelling that does not comply with the designated location of a principal structure on a waterfront lot on property located at 1836 Cove Point Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 133,686 square feet (3.07 acres) of land and is located north of the intersection of Cove Point Road and Lindamoor Lane. It is identified as Parcel 540 in Grid 2 on Tax Map 45F in the Lindamoor on the Severn subdivision. The waterfront property is zoned R2 - Residential District, is located within the Chesapeake Bay Critical Area LDA - Limited Development Area, and is primarily mapped as a BMA - Buffer Modification Area, saving a portion of the eastern shoreline. The subject property is currently developed with a two-story single-family detached dwelling, sheds, patios, a pier, and other associated facilities.

PROPOSAL

The applicants are proposing to demolish the aging single-family dwelling in order to construct a new single-family dwelling, to demolish an existing shed in order to install an in-ground pool, and other associated facilities.

REQUESTED VARIANCES

§ 17-8-201(a) provides that development in the limited development area (LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline; and, all disturbance shall be limited to the minimum necessary. The proposed development will disturb approximately 965 square feet of slopes of 15% or greater, necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 17-8-301(b) provides that development on properties containing buffers shall meet the requirements of COMAR, Title 27; and, § 18-13-104 provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands, and that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater, nontidal wetlands, nontidal wetlands of special State concern, and hydric soils or highly erodible soils. The proposed development will disturb approximately 650 square feet of the expanded buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 18-2-402(1) allows the Office of Planning and Zoning to designate the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. The new dwelling will not be relatively in line with principal structures on abutting lots, necessitating a variance.

A review of the bulk regulations for development within the R2 District reveals that a setback variance is not required.

FINDINGS

The subject property is generally rectangular in shape and, for lots in an R2 District, is oversized with regard to the 20,000 square foot minimum area required for lots not served by public sewer, and the minimum width of 80 feet. A review of the County aerial photography shows an eclectic mix of dwellings and lots in this waterfront community. The property appears to be heavily wooded, with dwellings on either side of the subject property located farther from the shoreline than the subject dwelling.

The existing critical area lot coverage of the site is 16,361 square feet and the proposed post-construction lot coverage is 17,025 square feet, which is below the lot coverage allowed under § 17-8-402 (15% or 20,052.9 square feet). The proposed post-construction coverage by structures was not provided, but based on the lot coverage area, it will be well below the 30% (40,105.8 square feet) maximum coverage by structures allowed under § 18-4-601.

The applicants' letter explains that the presence of steep slopes, the expanded buffer, and the location for the septic system limited the area for improvements without a variance. The letter further explains that a discussion with the County resulted in adjustments to their proposal in order to provide adequate construction access and stormwater management devices, while eliminating unnecessary slope disturbance. The applicants believe that the proposal is consistent with development in the area and expands away from the shoreline, minimizing environmental impacts.

Agency Comments

The **Health Department** has no objection to the above referenced variance request as long as a plan is submitted and approved by their Department.

The **Critical Area Commission** notes that while the proposed lot coverage and tree clearing are below the limits allowed within the LDA, the applicant currently has reasonable and significant use of the lot, including outdoor amenities. Allowing the applicant to construct a pool and patio, in addition to other existing and proposed outdoor amenities closer to the shoreline than the closest façade of the existing principal structure does not meet the standard of unwarranted hardship. Given the scope of the existing improvements, which include outdoor amenity space, if this request were to be denied, the applicant would still have reasonable and significant use of the lot.¹

The **Critical Area Team** notes that, given the lot size, existing vegetation and the movement of the home back from the existing location, their Office has no objection to the generally in line request. Nor does their Office have any objection to the location of the pool/patio provided the applicant can demonstrate that there will be no additional slope disturbance related to the location. Their Office noted that mitigation and Buffer Establishment will be addressed at permitting if the variance is approved.²

The **Inspections & Permits Engineering Section** commented on revisions that would be required during development, but offered no objection.³

Variance Criteria

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship preventing development of the lot. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the area between the existing dwelling and the road is heavily wooded with mature trees. By proposing the redevelopment in the general area of the existing improvements, the applicants will minimize the clearing and disturbance necessary for construction. In addition, shifting the new dwelling back and removing lot coverage in the buffer and the BMA will maximize the distance between the shoreline and the structure, while accommodating the location of the proposed septic system, storm drains, well, and other utilities.

With adequate mitigation, the granting of the variances will not adversely affect water quality or impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. Similarly, it will not reduce forest cover in the limited development area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

Because the existing dwelling is closer to the shoreline than the dwellings on the abutting lots, the light, air, and view of the adjacent dwellings are already impacted. Although still not in line

¹ Refer to the Critical Area Commission's memo for their detailed response.

² Refer to the OPZ Critical Area Team's comments for their detailed response.

³ Refer to the I & P Engineering Section's comments for their detailed response.

with the neighboring dwellings, the location of the proposed dwelling, shifted 13 feet farther from the shoreline, will lessen those impacts.

As such, it is the opinion of this Office that the granting of the variances 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, nor be detrimental to the public welfare.

The applicant is advised that, if a variance is granted, changes to the proposed improvements shown on the site plan that are necessary to address any issues raised during the permit review process may require a new variance.⁴

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 a Critical Area variance to § 17-8-201 to disturb steep slopes;
- **approval** of a Critical Area variance to § 17-8-301 to disturb the buffer and expanded buffer; and,
- **approval** of a zoning variance to § 18-2-402 to allow a dwelling that does not comply with the designated location of a principal structure.

If granted, the amount of disturbances will be determined at permitting.

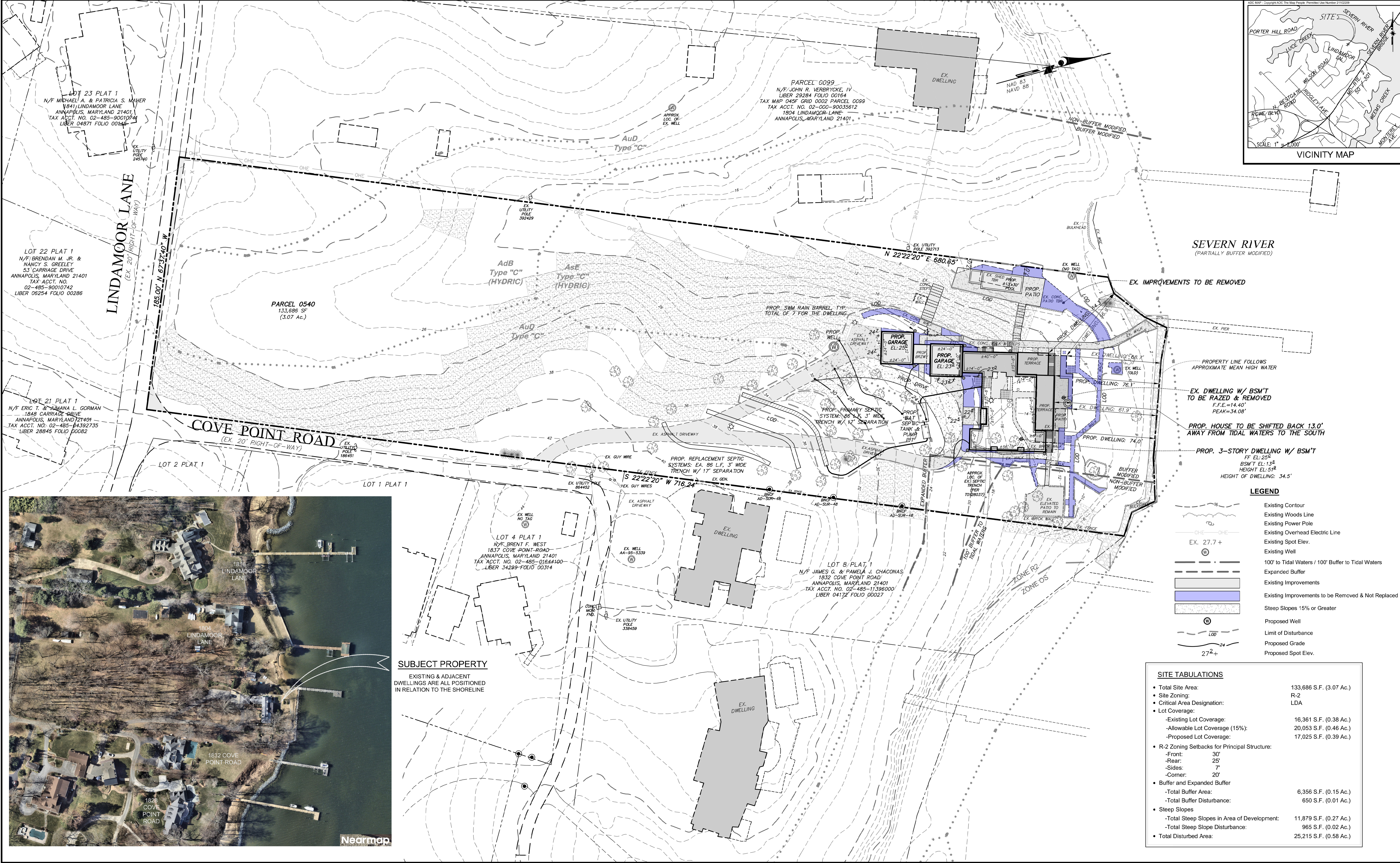
In accordance with § 17-8-702(e), mitigation for new lot coverage or for replacement of existing lot coverage in the buffer modification area is required, if granted, as follows:

(1) For every square foot of additional lot coverage within 100 feet of the mean high water line, a vegetated buffer shall be planted within the buffer modification area at a ratio of two times the amount of lot coverage.

(2) If a variance is required, a vegetated buffer shall be planted within the buffer modification area at a ratio of 3:1 for the additional area of disturbance granted under the variance.

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.

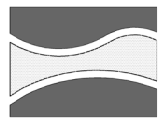
⁴ For example, this refers to changes to the footprint or location of the improvements to accommodate stormwater management which may shift the proposed improvements closer to the property lines, shoreline or steep slopes.



DESIGNED: MMD
ORIG. DATE: 04-24-24
MODIFIED BY/DATE:
CADD DWG #: CS09224
DLA PROJECT #: CS09224

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REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION



Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-280-3122
www.drumloyka.com

CLIENT:

PETER & JAIME STOURNARAS
1836 COVE POINT ROAD
ANNAPOLIS, MARYLAND 21401

VARIANCE PLAN
1836 COVE POINT ROAD
1836 COVE POINT ROAD, ANNAPOLIS, MD 21401
TAX ACCT. NO. 02-000-02456700
TAX MAP 045F GRID 0002 PARCEL 0540 DISTRICT 2ND
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=30' DATE: APRIL 29, 2025 PROJ. NO: CS09224 SHEET 1 OF 1

March 6, 2025

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

**RE: 1836 COVE POINT ROAD
Annapolis MD, 21401
Variance Application**

Sir/Madam:

Attached is a variance application and associated submittal documents for the above referenced property. Variances to the Anne Arundel County Code are required to obtain permits to allow modest improvements to the subject property. The requested variances to the Code relate to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater in the LDA, to **Article 17, Section 8-301** for disturbance to the buffer to tidal waters, and to **Article 18, Section 2-402** for stipulations of principal dwellings on waterfront lots.

The subject property is a legal building lot located on Cove Point Road in Annapolis. The property is currently improved with an aging single-family dwelling and associated improvements, and consists largely of wooded area. It is zoned R-2, served with private well and septic, and has waterfrontage on the Severn River in a partially buffer modified section. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. Steep slopes abut the existing improvements to the west and the expanded buffer abuts the improvements to the east, limiting and restricting the areas that allow for property improvements without a variance.

The applicants seek approval to demolish and rebuild the existing dwelling and construct a new single-family home. They have done their due diligence by coordinating with the county on the proposed development prior to submitting any variance pre-file application or formal request. Meeting minutes from these coordination efforts are included as Attachment 1. As directed, the proposed improvements are set back 13-ft from the façade of the existing dwelling, an additional foot from what was discussed. The proposed improvements have been further revised in response to pre-file comments from Anne Arundel County. In particular, the originally planned expanded patio area has been eliminated, and the proposed pool has been downsized to minimize its impact. These adjustments have been made to provide adequate construction access and eliminate unnecessary slope disturbance.

The design is consistent with development in the area and expands away from the shoreline, ensuring that the expansion occurs in a manner that minimizes environmental impact. Additionally, the development will provide a new nitrogen-reducing septic system, further enhancing the environmental capability of the site. The combination of steep slopes, expanded buffer, and location for the septic system lock in the developable area.

Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** for approximately 965-sf of disturbance on slopes 15% or greater in the LDA, to **Article 17, Section 2-301** for approximately 650-sf of disturbance to the expanded buffer, and to **Article 18, Section 2-402** to the stipulations of principal structures on a waterfront lot. The need for the requested variance arises from the unique physical conditions of the site, including steep slopes, the mapping of the shoreline in a partially non-buffer modified area, and the positioning of existing dwellings in relation to a meandering shoreline.

Due to the existing environmental features and improvements located on site, opportunities for stormwater management are very limited. Steep slopes are located in and around the development, limiting potential locations for stormwater management devices. Additionally, the Engineering Division of Inspections and Permits has policies that do not allow for any micro-scale or structural practices within 100 feet to tidal waters or in the expanded buffer, or underneath a driveway. Setbacks to the septic and well further restrict the location of management devices. In addition, soils mapped in the area are considered hydric, which is a characteristic that typically reduces the permeability of the soil. A green roof was considered, but the architecture of the roof is too steep to accommodate this practice. All of these factors combine to make it challenging to meet the required stormwater volume, as defined by the State Manual. Rain barrels will be installed at the roof leaders, and non-structural disconnections will be utilized in the very limited space where grading allows this practice to be effective. Using these management practices, Environmental Site Design will be met to the maximum extent practicable.

Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and a nitrogen-reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

Requirements for Critical Area Variances.

1. Unique physical conditions - Specifically topography, as well as the location of the existing improvements in relation to the slopes and buffer. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.
2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants made an effort to design the improvements in a manner that considers the location of surrounding environmental features and reduced the scope in accordance with pre-file comments.
4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the environmental features of the site and the location of the existing improvements, not because of actions by the applicants.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area – The proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is minimized only to what is necessary to complete the project. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

Requirements for all variances.

1. Minimum necessary - The proposed improvements are minimal and in keeping with the character of the surrounding properties. They are largely sited atop existing improvements, minimizing disturbance to the site, and are positioned to expand away from tidal waters
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.

- ii. substantially impair the appropriate use or development of adjacent properties.
- iii. reduce forest cover in the LDA as appropriate mitigation will be required as part of the permit process.
- iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
- v. be detrimental to the public welfare.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

Sincerely,
DRUM, LOYKA & ASSOCIATES, LLC



Andrew Price, EIT
Project Engineer

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Date

Tax Map #	Parcel #	Block #	Lot #	Section
045F	0540	0002	N/A	N/A

FOR RESUBMITTAL ONLY

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

* Complete only Page 1
General Project Information

Tax ID

Project Name (site name, subdivision name, or other)

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

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="text"/>

Local Jurisdiction Contact Information:

Last name: First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Raze and remove existing single-family dwelling & construct new single-family dwelling with associated improvements

Intra-Family Transfer	Yes	Growth Allocation	Yes
Grandfathered Lot	X	Buffer Exemption Area	X

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	X
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				0.58	
LDA Area	3.07		# of Lots Created	0	
RCA Area					
Total Area	3.07				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	2.66		Existing Impervious Surface	0.38	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.08	
Removed Forest/Woodland/Trees	0.32		Removed Impervious Surface	0.07	
			Total Impervious Surface	0.39	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.01		Buffer Forest Clearing	0.00	
Non-Buffer Disturbance	0.57		Mitigation	0.00	

Variance Type		Structure	
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"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	X
Expanded Buffer	X	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Steep Slopes	X	Gazebo	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	X	Pool	<input type="checkbox"/>
	18-2-402	Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

Chesapeake Bay Critical Area Report

1836 Cove Point Road

Tax Map 045F, Grid 0002, Parcel 0540

Tax Account No. 02-000-02456700

Property Address: 1836 Cove Point Road
Annapolis, Maryland 21401

March 5, 2025

Property Owners & Variance Applicant: Peter and Jaime Stournaras

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 3.07 Ac.

Site Description

The subject property is a legal building lot located on Cove Point Road in Annapolis. The property is currently improved with a single-family dwelling and associated improvements. It is zoned R-2, served with private well and septic, and has waterfrontage on the Severn River in a partially buffer modified section. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. Steep slopes abut the existing improvements to the west and the expanded buffer abuts the improvements to the east, severely limiting and restricting the areas that allow for property improvements without a variance. The parcel is large and consists mainly of woodland area.

Description and Purpose of Variance Request

The applicants propose to raze and remove the existing single-family dwelling and construct a new single-family dwelling. Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** for approximately 965-sf of disturbance on slopes 15% or greater in the LDA, to **Article 17, Section 2-301** for approximately 650-sf of disturbance to the expanded buffer, and to **Article 18, Section 2-402(1)** to the stipulation for principal structures on a waterfront lot to be relatively in line with one another.

The applicants seek approval to raze and rebuild the existing dwelling and construct a new single-family dwelling. The proposed improvements are set back 13-ft from the façade of the existing dwelling and have been revised after considering pre-file comments from Anne Arundel County. The previously proposed expanded patio area has been removed, and the proposed pool is smaller to allow for construction access without the need to disturb steep slopes. The design is consistent with development in the area and expands away from the shoreline, ensuring that the expansion occurs in a manner that minimizes environmental impact. Additionally, the development will provide a new nitrogen-reducing septic system, further enhancing the environmental capability of the site. The combination of steep slopes, expanded buffer, and location for the septic system lock in the developable area.

Vegetative Coverage and Clearing

The property's primary vegetation is woodland and creeping ivy that is common to wooded areas in the community. The existing wooded area totals roughly 115,800-sf. Approximately 14,000 square feet of canopy will be removed as part of the development. This amount is an estimate based on the county's requirement that any canopy within the limit of disturbance be considered removed, even if the tree itself is preserved. Any reforestation and afforestation requirements will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 16,361-sf of lot coverage. The proposed impervious lot coverage for this property is 17,025-sf, which is well below the max allowable coverage of 20,053-sf.

Steep Slopes (slopes > 15%) & Expanded Buffer

The subject property is greatly affected by steep slopes. There is approximately 11,879-sf of slopes in the development area, of which approximately, 965-sf will be disturbed as part of the proposed construction. The shoreline is also mapped as non-BMA, so the expanded buffer lies partially within the area of development. The buffer encompasses about 6,356-sf of the site and only 650-sf will be affected by the development, a good portion of which is needed to remove lot coverage.

Predominant Soils

The soil types on site are Adelphia-Holmdel complex (AdB), 2-5% slopes, Annapolis Fine Sandy Loam (AsE), 15-25% slopes, and Annapolis-Urban land complex (AuD), 5-15% slopes. These soils have a type "C" hydrologic classification and both AdB and AsE are considered hydric soils.

Drainage and Rainwater Control

Due to the existing environmental features and improvements located on site, opportunities for stormwater management are very limited. Steep slopes are located in and around the development, limiting potential locations for stormwater management devices. Additionally, the Engineering Division of Inspections and Permits has policies that do not allow for any micro-scale or structural practices within 100 feet to tidal waters or in the expanded buffer, or underneath a driveway. Setbacks to the septic and well further restrict the location of management devices. In addition, soils mapped in the area are considered hydric, which is a characteristic that typically reduces the permeability of the soil. A green roof was considered, but the architecture of the roof is too steep to accommodate this practice. All of these factors combine to make it challenging to meet the required stormwater volume, as defined by the State Manual. Rain barrels will be installed at the roof leaders, and non-structural disconnections will be utilized in the very limited space where grading allows this practice to be effective. Using these management practices, Environmental Site Design will be met to the maximum extent practicable.

Stormwater management and sediment and erosion control details will be provided during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the presence of steep slopes and expanded buffer. The proposed construction lies mostly within the footprint of existing improvements, and expands away from tidal waters. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and a nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

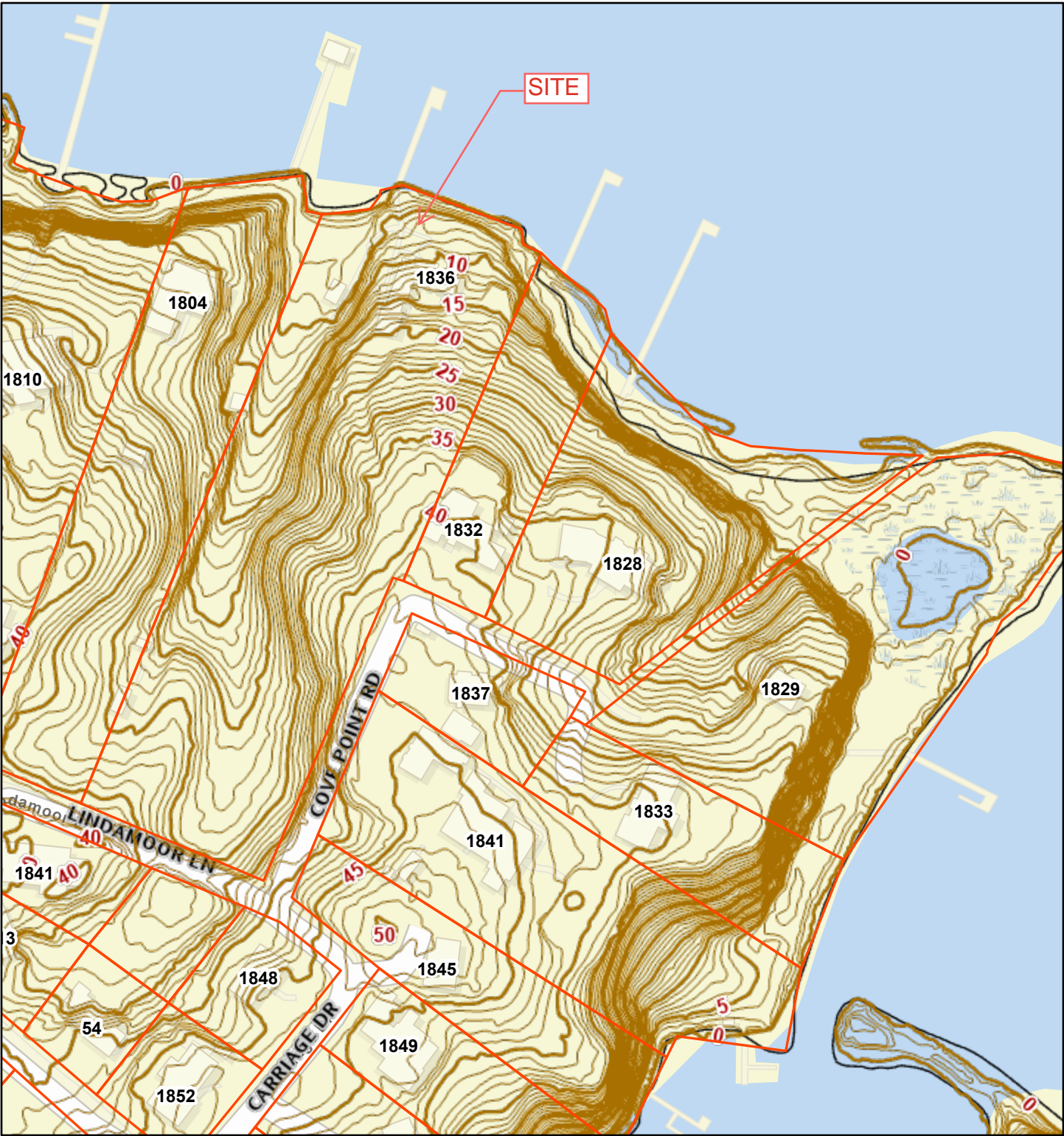
First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

Anne Arundel County Engineering Record Drawing and Monuments



3/5/2025, 8:40:02 AM

Topo_2023

Index

Intermediate

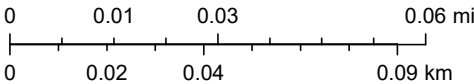
Local Road Label

County Boundary

Address Points

Parcels

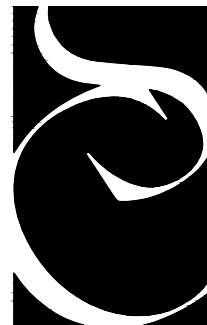
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Anne Arundel County

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**SPEIGHT
COOK**
studio architects, inc.

202 Legion Ave
Suite 3
Annapolis, MD 21401

**Stourmaras
Residence**
1836 Cove Point Road
Annapolis, Maryland 21401

date 03.07.25
scale 1/4" = 1'-0"
project no. 224.112

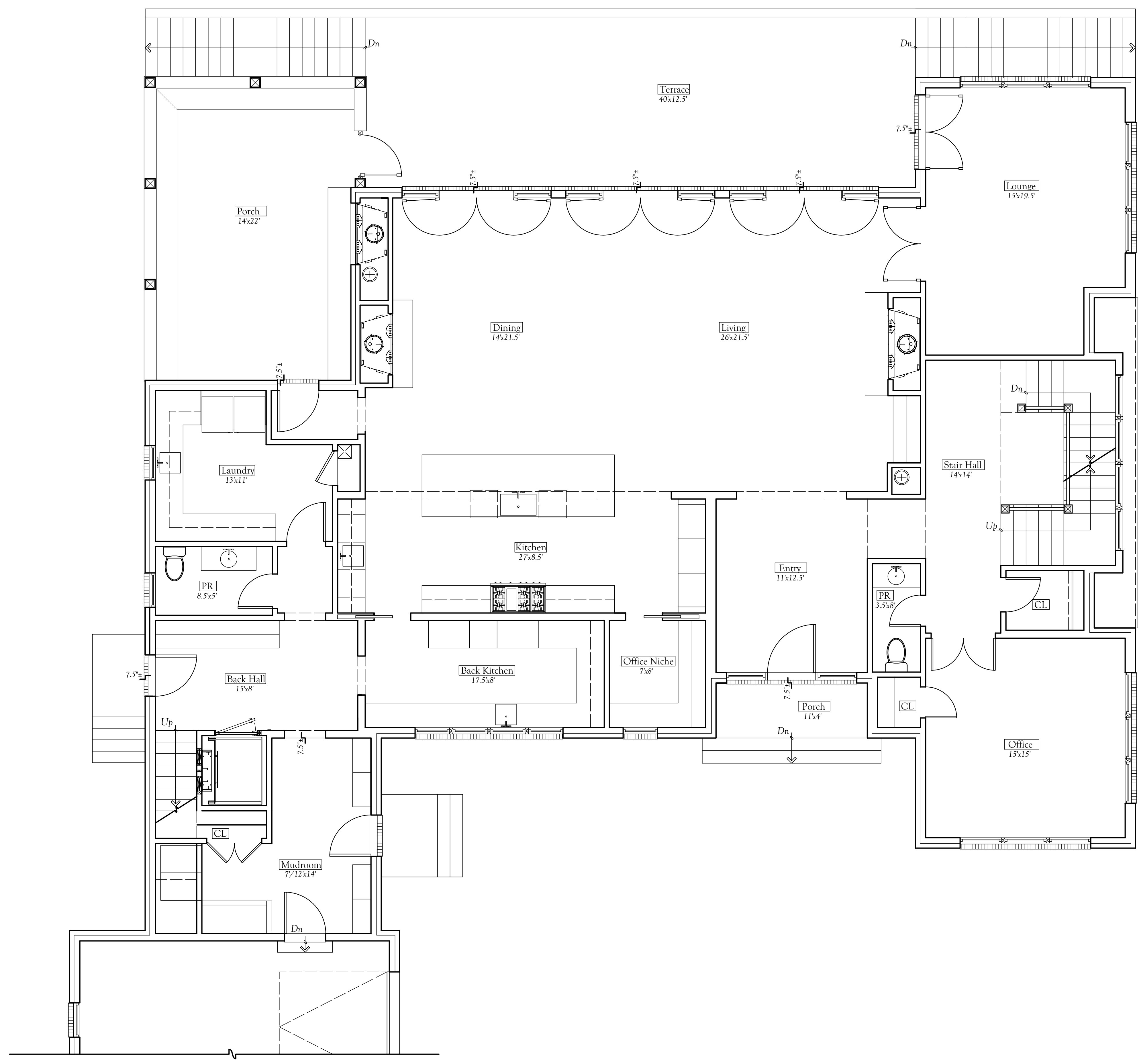
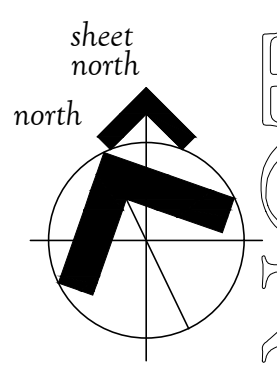
Proposed
First Floor
Plan

A1
of 3

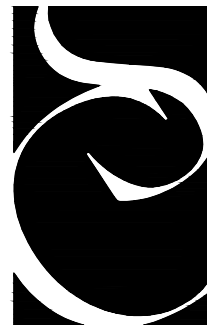
I certify that these documents were
prepared or approved by me, and
that I am a duly licensed Architect
under the laws of the state of
Maryland, license number 8111,
expiration date 5/1/26.

© 2025 SCSAI

NOT FOR CONSTRUCTION



PROPOSED
FIRST FLOOR PLAN



**SPEIGHT
COOK**
studio architects, inc.

202 Legion Ave
Suite 3
Annapolis, MD 21401

**Stourmaras
Residence**

1836 Cove Point Road
Annapolis, Maryland 21401

date 03.07.25
scale 1/4"=1'-0"
project no. 224.112

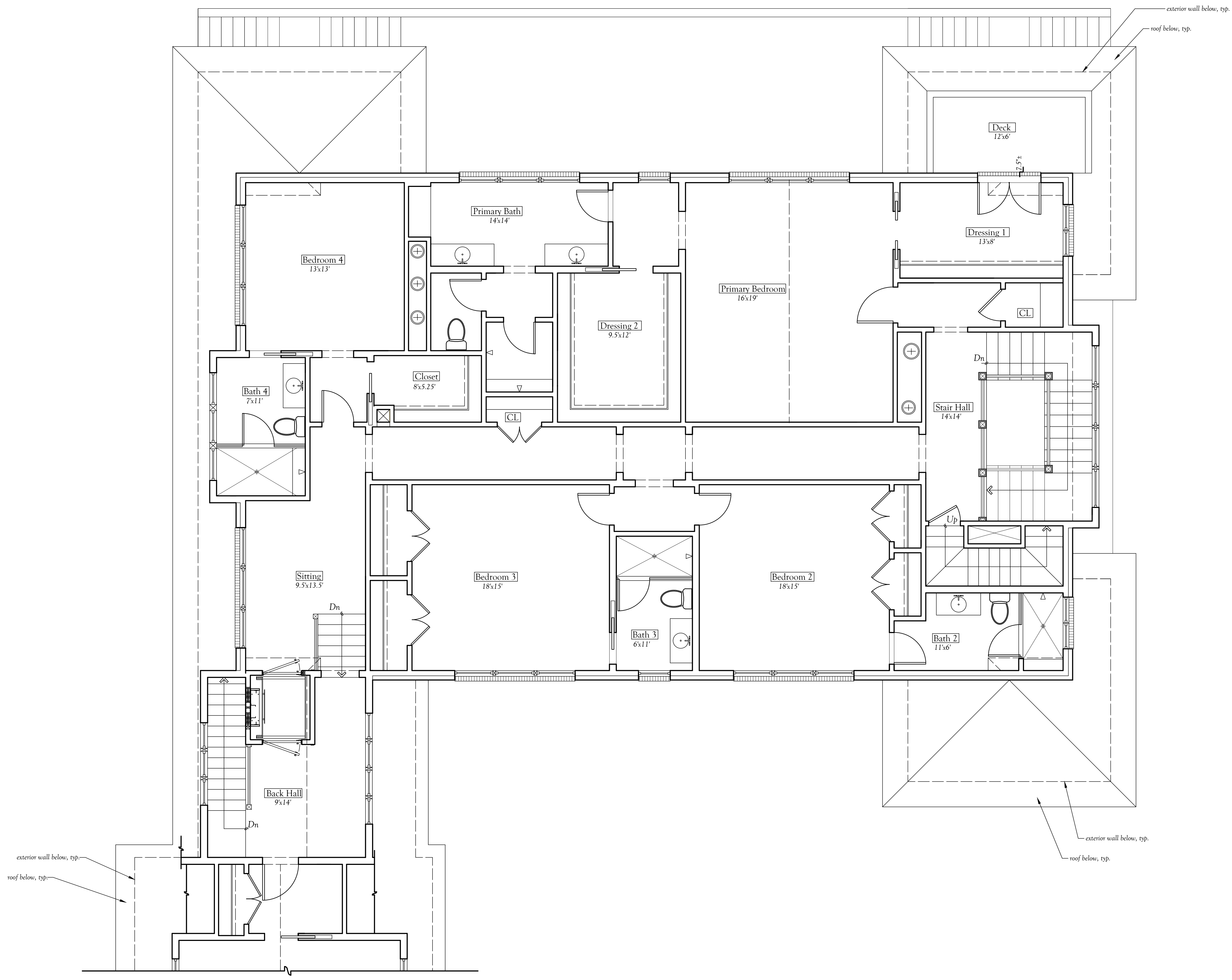
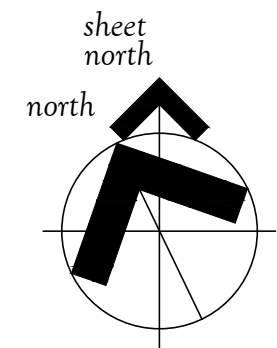
Proposed
Second Floor
Plan

A2
of 3

I certify that these documents were
prepared or approved by me, and
that I am a duly licensed Architect
under the laws of the state of
Maryland, license number 8111,
expiration date 5/1/26.

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NOT FOR CONSTRUCTION



PROPOSED
SECOND FLOOR PLAN



PROPOSED
SOUTH ELEVATION



PROPOSED
EAST ELEVATION



**SPEIGHT
COOK**
studio architects, inc.

202 Legion Ave
Suite 3
Annapolis, MD 21401

*Stourmaras
Residence*

1836 Cove Point Road
Annapolis, Maryland 21401

date 03.07.25
scale 3/16"=1'-0"
project no. 224.112

Proposed
Elevations

A3
of 3

I certify that these documents were
prepared or approved by me, and
that I am a duly licensed Architect
under the laws of the state of
Maryland, license number 8111,
expiration date 5/1/26.

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NOT FOR CONSTRUCTION

<i>Northwest Corner Elevation:</i>	<i>10.0'</i>
<i>Northeast Corner Elevation:</i>	<i>13.0'</i>
<i>Southeast Corner Elevation:</i>	<i>22.0'</i>
<i>Southwest Corner Elevation:</i>	<i>24.5'</i>
<i>Total:</i>	<i>69.5'</i>
<i>Average Grade Plane:</i>	<i>17.4'</i>
<i>Height Limit (35' abv. GP):</i>	<i>52.4'</i>
<i>Proposed House Height (34.5'):</i> <i>(grade plane to mid-point of main roof)</i>	<i>51.9'</i>

Meeting Notes for 1836 Cove Point Road, Annapolis:

Date of meeting: 6 May, 2024

Attendees:

- Jaime Stournaras, Contract Purchaser
- Peter Stournaras, Contract Purchaser
- Sterling Seay, AA County Zoning
- Kelly Krinetz, Aa County P&Z, Development Division
- Michael Day, AA County P&Z, Development Division
- Travis Gray, Realtor
- Michael Drum, P.E., Civil Engineer

The discussion revolved around future property improvements to the subject property for Mr. & Mrs. Stournaras as they are contract purchasers of the subject property.

We reviewed the land survey that DLA compiled for the property, and we reviewed site information for the subject property. Zoning, CB Critical Area, Septic, slopes, existing trees, etc.

We discussed options that the County might allow to the house/property as a “matter of right” and that would not require Variances or Modification to the County Code. These options were limited, and discussion on these options ended.

We discussed how the existing dwelling is an older home, in need of repairs and updates. It’s apparent that the existing structure needs to be razed and removed and a new single-family dwelling needs to be built in it’s place.

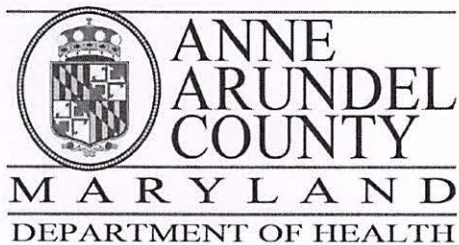
The County indicated they might support a new dwelling located 10 – 12 feet back from the water with justification from the engineers and architect. The justifications might be the presence of existing mature trees and vegetation that would be destroyed if a new dwelling was set back further. The presence of steep slopes and areas needed for septic systems would also be a justification for not setting the dwelling back too far on the subject property.

A variance to the Code will be required for a new dwelling in the approximate location of the existing dwelling as the dwelling is not “in relative line” with the two adjacent structures. A variance would also be required if the existing dwelling was raised in height.

The County indicated that they could support this variance request as a new dwelling would be in the same relative location as the existing dwelling.

We discussed removing impervious area from the west side of the property; shed, conc patio and replacing the coverage with a swimming pool. The County proffered that a new swimming pool might be located in an area immediately adjacent and west of the existing dwelling. A new pool would need to be located behind the façade of the existing dwelling and meet coverage and slope criteria.

The meeting was generally positive and the County provided the necessary confidence to the contract purchasers that the site could be redeveloped with a new 5,000 to 6,000 square foot dwelling located behind (not too far, maybe 10-12 feet) and to the South of the existing dwelling.




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 

DATE: March 17, 2025

RE: Jennifer (Jaime) Stoumaras
1836 Cove Point Road
Annapolis, MD 21401

NUMBER: 2025-0040-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a new dwelling and accessory structure (pool) with less setbacks and buffer than required, disturbance to slopes of 15% or greater and the new dwelling that does not comply with the designated location of a principal structure on a waterfront lot.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

May 2nd, 2025

Ms. Sterling Seay
Anne Arundel County Zoning Division
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Stournaras - 1836 Cove Point Road Variance (2025-0040-V)

Dear Ms. Seay,

Thank you for providing information on the above-referenced Critical Area variance request to disturb steep slopes and the Critical Area Buffer. The applicant is proposing to raze the existing dwelling and to construct a new dwelling with associated amenities. The improvements on this site will include the proposed dwelling, one detached garage, one attached garage, two proposed terraces, a proposed patio, and a proposed pool, all of which are in addition to an existing patio to remain. The proposed development will result in an additional 1,000 square-feet of lot coverage, along with 965 square-feet of disturbance to steep slopes of 15% or greater, 650 square-feet of disturbance to the Buffer, and 13,393 square feet of cleared forest/woodland/trees. While the proposed lot coverage and tree clearing are below the limits allowed within the LDA, the applicant currently has reasonable and significant use of the lot, including outdoor amenities. The 3.07- acre lot is waterfront to the Severn River and is located entirely within the Critical Area on lands designated as a LDA and is mapped as a Buffer Modified Area (BMA).

Variance to the County's BMA Provisions is Required

Per Anne Arundel County Code § 17-8-702(1) *no new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.* The applicants have indicated that the closest façade on the site plan is located along the northwest portion of the site at 56.9 feet. This development proposal appears to conflict with the County's Buffer Modified Area provisions as the placement of the proposed pool and associated features in the Buffer *is* closer to the shoreline than the closest façade of the existing principal structure, as the shoreline curves inland¹. Therefore, the application should be amended to request a variance to the County's BMA provisions to allow for the construction of new lot

¹ For proposed development to meet BMA provisions, the distance of the closest façade of the existing primary structure to the shoreline shall be used when proposing placement of new lot coverage. The measurement to determine that distance shall be taken from all shoreline orientations. The distance shall then be applied to all proposed lot coverage to ensure placement is not closer to the shoreline.

coverage placed in the Buffer nearer to the shoreline than the existing façade prior to this case going before the Administrative Hearing Officer.

Requested Variance

This office opposes the request to disturb the Critical Area Buffer to construct a pool and pool patio closer to the shoreline than the closest façade of the existing principal structure as this request fails to meet all of the Critical Area variance standards. The proposed development is a non-water dependent improvement that could be constructed in conformance with the County's BMA provisions. While we recognize the applicant has the right to maintain existing legally nonconforming improvements and can even propose an in-kind replacement to the existing legally nonconforming improvements, when redeveloping a site, the applicant must comply to the Critical Area development standards. Here, the applicant has every opportunity to redesign the proposed improvements and relocate the proposed pool and pool patio in a manner that conforms to the County's Buffer Modified Area provisions².

Maryland's Critical Area law provides that variances to a local jurisdiction's Critical Area program may be granted only if the County's Administrative Hearing Officer (AHO) finds that an applicant has satisfied the burden to prove that the request meets each and every one of the variance standards under COMAR 27.01.12, including the standard of unwarranted hardship. Furthermore, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law and County's Critical Area Program. The AHO must make an affirmative finding that the applicant has overcome this presumption, based on the competent and substantial evidence presented from the applicant.

Variance Standards

1. *Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;*

Based on the information provided, denying this variance request would not result in an unwarranted hardship.

State law defines "unwarranted hardship" to mean that, without the requested variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot. The applicant currently has reasonable and significant use of the entire property and with the proposed redevelopment plan on the site, will continue to have reasonable and significant use of the site if the pool and pool patio were to be denied. Given the scope of the existing and proposed improvements, and given that the fact that the pool and pool patio could be located

² The proposed pool and pool patio will be placed closer to the shoreline than the closest façade of the existing principal structure and not in conformance with Anne Arundel County Code § 17-8-702(1), thus the proposed work requires a Critical Area Buffer variance in addition to the presently requested variances.

in a manner that complies with all Critical Area development standards including the County's BMA provisions, denial of the pool and pool patio would not result in unwarranted hardship as the applicant would **still** have reasonable and significant use of the entire lot or parcel.

This office does not consider, and has not previously considered, a pool and pool patio (which are considered non-water dependent accessory structures) in the Buffer to meet the standard of unwarranted hardship.

2. *A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or structure permitted to others in accordance with the provisions of the local Critical Area program;*

Denial of this request would not deprive the applicant the use of the land or structure permitted to others in the Critical Area.

On the contrary, approving a variance to allow non-water dependent improvements in the Buffer when there is an opportunity to locate the pool and pool patio in a manner that conforms to the County's BMA provisions is not a right commonly enjoyed by other, similar properties developed under the County's Critical Area program. No property owner has the right to construct non-water dependent improvements within the Buffer closer to the shoreline than the closest façade of the existing principal structure per the County's current requirements for properties mapped BMA.

3. *The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of any local Critical Area program;*

The granting of this variance would confer a special privilege upon this applicant.

The Anne Arundel County Code and the Critical Area law place strict limits on lot coverage and disturbance in the Critical Area Buffer in order to meet the goals of the Critical Area law. Approval of this variance would grant the applicant the ability to develop their property in a manner that would be denied others within the Critical Area, as no individual is permitted to construct non-water dependent improvements within the Buffer of a property mapped as a BMA closer to the shoreline than the closest façade of the existing principal structure. This office has previously opposed similar variance requests from others.

4. *The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

The variance request is not based on an existing condition or circumstance caused by the applicant. However, the applicant has the ability to redesign the proposed redevelopment plan and improve this nonconforming lot in a manner that still complies with the Critical Area development standards including the County's BMA provisions.

5. *The variance request does not arise from any conforming or nonconforming condition on any neighboring property;*

The variance request is solely due to the fact that the applicant desires to redeveloped the lot in a manner that places a pool and pool patio within the Buffer closer to the shoreline than the closest façade of the existing principal structure.

6. *The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area;*

As proposed, this variance request would adversely affect water quality and impact fish, wildlife, and plant habitat within the Critical Area.

The Critical Area law and regulations are designed to foster more sensitive development for shoreline areas so as to minimize damage to water quality and habitat. The cumulative impact of development activity in the Critical Area, even if minimal, has a substantial and negative impact on the Chesapeake Bay. The Critical Area law is tasked with not only maintaining but improving water quality and habitat within the Chesapeake Bay's system. Development which places non-water dependent lot coverage in the Buffer closer to the shoreline than the closest façade of the existing principal structure and in a manner that will disturb steep slopes can increase the volume and velocity of stormwater runoff flowing down the steep slopes. Impacts to the sensitive and protected resources can be avoided by locating the improvements in a manner that complies with the Critical Area development standards including the County's BMA provisions.

7. *The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.*

The goals of the Critical Area law are to:

- (1) Minimize adverse impacts on water quality that result from development,
- (2) Conserve fish, wildlife, and plant habitat, and
- (3) Establish land use policies that accommodate development while recognizing that development adversely affects the first two goals.

Granting a variance to construct non-water dependent lot coverage in the Buffer when the applicant can construct their desired amenities in a manner that conforms to the Critical Area development standards including the County's BMA provisions, is absolutely not in harmony with the spirit and intent of the Critical Area law and would be contrary to the goals of the Critical Area law.

For the reasons explained above, this office opposes this variance and recommends denial of this request. The variance does not meet each and every standard. Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record. Also,

Ms. Seay
Stournaras Variance
May 2nd, 2025
Page 5 of 5

please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410)-260-3462 or jamileh.soueidan@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Jamileh Soueidan".

Jamileh Soueidan
Natural Resource Planner

File: AA 0065-25

CC: Jennifer Esposito, CAC

Task Details OPZ Critical Area Team

Assigned Date

03/12/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

Given the lot size, existing vegetation and the movement of the home back from the existing location, this Office has no objection to the generally in line request.

This Office has no objection to the location of the pool/patio provided the applicant can demonstrate that there will be no additional slope disturbance related to the location. The site plan is not clear since the symbols used for steep slopes and paving are very similar.

The pool/patio location is in compliance with BMA standards which state that new lot coverage may not be placed nearer to the shoreline than the closest facade of the existing principal structure. In this case that would mean that the pool cannot be closer to the northern shoreline than the northern facade of the existing dwelling which it is not.

Mitigation and Buffer Establishment will be addressed at permit if the variance is approved.

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

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

F

Task Details I and P Engineering

Assigned Date

04/21/2025

Assigned to

Jean Janvier

Current Status

Complete w/ Comments

Action By

Jean Janvier

Comments

- 1. According to the Letter of Explanation, the site is zoned R-1. However, according to the Chesapeake Bay Critical Area Report, the header line above the Site Description section states the zoning is R-2, and in the Site Description section (the first paragraph) of the report, it states the site is zoned as R-1. The Variance Plan states the zoning as R-2. Ensure the zoning is consistent across all of the submitted documents.
- 2. It is acknowledged that a combined existing and proposed conditions Variance Plan was submitted. However, for clarity, please submit an existing conditions Variance Plan and a separate proposed conditions Variance Plan.
- 3. On the Site Plan, show the Limit of Disturbance (LOD). Additionally, although it is stated on the Critical Area Project Notification Sheet, on the Site Tabulations table on the Site Plan, state the Total Disturbed Area.
- 4. It does not appear the entirety of the steep slopes are shown on the Site Plan. On the Site Plan, show all of the steep slopes on and off the site.
- 5. On the Site Plan, show the rain barrel locations and their sizes and identify where the rainwater collected in these barrels will be discharged.
- 6. Label the bold lines going through the proposed primary septic system field. If these are proposed contours, label them accordingly and include this symbol in the legend.

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

Expiration Date

Review Notes

Reviewer Phone Number

Reviewer Email

ipjanv22@aacounty.org



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0009-P
DATE: 02/06/2025
OPZ STAFF: Jennifer Lechner
Kelly Krinetz
I&P STAFF: Habtamu Zeleke

APPLICANT/REPRESENTATIVE: Jaime & Peter Stournaras / Drum, Loyka & Associates LLC

EMAIL: jaimeg3@yahoo.com / kyetman@drumloyka.com

SITE LOCATION: 1836 Cove Point Road, Annapolis

LOT SIZE: 3.1 acres

ZONING: R2 **CA DESIGNATION:** LDA **BMA:** PARTIAL **BUFFER:** PARTIAL **APPLICATION TYPE:** Variance

The applicants are proposing to raze and remove the existing dwelling and to construct a new dwelling with associated improvements.

The following variances are requested:

- Article 18-2-402(1) to allow a principal structure on a waterfront lot which will not be relatively in line with principal structures on abutting lots.
- Article 17-8-201 to allow disturbance within slopes of 15% or greater in the limited development area (LDA).

COMMENTS

Zoning Administration Section:

The Administrative Site Plan must specify the setbacks, dimensions, height, and number of stories of all structures. Providing the floor plans and/or architectural elevations (front, side and rear) is strongly recommended in order to assist in the evaluation of any requested variance.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

OPZ Critical Area Team:

The site plan does not include the location of the proposed septic area. The driving force to the proposed location of the dwelling is the preservation of the existing woodland so the location of the septic area must be considered. Given the lot size, existing vegetation and the movement of the home back from the existing location, this Office has no objection to the generally in line request.

This Office has no objection to the location of the pool provided the applicant can demonstrate that there will be no additional slope disturbance related to the location. The proposed walkway expansion cannot be supported if it involves additional slope disturbance.

I&P Engineering:

1. It is unclear how Stormwater management will be addressed for the raze and rebuild of the existing house.
2. Please ensure that the minimum well and septic setbacks to proposed SWM practices are achieved.
3. Per Code 17-6-404, disturbance within the 25' steep slope buffer (SSB) is prohibited.
4. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed

or existing, is flooded or has water impounded against it during the 100-year storm event.

5. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.
6. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.
7. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
8. A soil boring is required per practice. The suitability and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted. Describe the site's hydrologic, and topographic characteristics and provide a recommendation on the feasibility of various BMPs.
9. Based on the plan provided, it appears that the property will be served by a private septic and well.
10. The utility for the site will be reviewed during the grading permit.
11. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

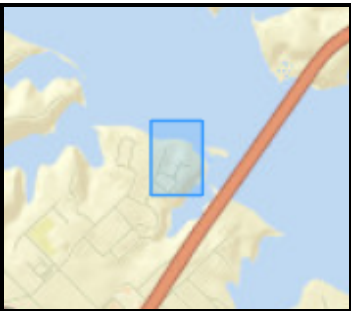
INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.


A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

1836 Cove Point Road (2025-0040-V)



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



0200400

ft

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DO NOT USE FOR NAVIGATION.

Nearmap

Notes

1836 Cove Point Road (2025-0040-V) - detail



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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Nearmap

0 40 80
ft



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USED FOR NAVIGATION

Notes