

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

APPLICANT: Town of Highland Beach

ASSESSMENT DISTRICT: 2nd

CASE NUMBERS: 2025-0088-V

COUNCIL DISTRICT: 6th

HEARING DATE: June 26, 2025

PREPARED BY: Donnie Dyott Jr. 
Planner

REQUEST

The applicant is requesting a variance to allow a recreational pier on a lot with less width than required that is not owned by a homeowners association and with less setbacks than required on property located at the northern end of Bruce Avenue adjacent to the east of 3200 Bruce Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site is a continuation of Bruce Avenue which is part of the roadway system in the Highland Beach subdivision containing 5.06 acres. The site has approximately 60 feet of shoreline frontage on Bruce Avenue, a 50' wide right-of-way, approximately 260 feet northeast of Bay Avenue. The property is located on Tax Map 57, Block 15, east of Parcel 203 and a portion of platted right-of-way in the Highland Beach subdivision.

The subject site is currently improved with a recreational pier and platform and a floating kayak launch pier. Access to the site is via Black Walnut Creek or a 50-foot right of way known as Bruce Avenue and the current zoning is R2 - Residential District.

The site is located on Black Walnut Creek entirely within the Chesapeake Bay Critical Area, is designated as primarily LDA - limited development area and a portion of RCA - Resource Conservation Area, and is in a mapped buffer modification area.

PROPOSAL

The applicant proposes to demolish the existing 42-foot long pier (28' x 6') with a platform (14' x 13'), and with a 6' x 15' walkway, and replace it with a 55-foot long pier including a 25 foot by 14 foot platform and replacement of the 6' x 15' walkway. The floating kayak launching pier will remain, but will be moved slightly to the east.¹ All structures are for the use of the residents of the Highland Beach subdivision.

¹ The floating kayak launch pier is not attached to the land or the bulkhead, rather, it is supported by a PVC pole to the bottom of the creekbed. Approval from MDE is required, but Anne Arundel County does not regulate a structure that is not attached to the land or attached to a structure that is attached to the land with the exception of mooring pilings under the definition of pier.

REQUESTED VARIANCE

§ 18-10-149 (1) requires that a recreational pier shall extend from a lot owned by a homeowner's association and the lot shall be at least 60 feet wide at the road, 80 feet wide at the shoreline and not less than 20 feet wide at any point. The application requires a variance to the requirement of ownership by a homeowner's association as the parcel is owned by the Town of Highland Beach, a chartered municipality. Bruce Avenue is a 50-foot wide right-of-way and the shoreline is 50 feet wide (with a meandering length of approximately 60 feet), requiring variances of 10 feet and 30 feet, respectively.

AGENCY COMMENTS

The **Health Department** and the **Development Division (Critical Area Team)** both have no objection to the request.

FINDINGS

The subject property was previously granted a variance for this same proposal under case 2023-0093-V which this Office also supported. The applicant describes that they were not able to proceed with construction within 18 months of the decision and thus the variance approval has now expired. The applicant is seeking variance relief for the same proposal that was granted in 2023.

The applicant writes that the current pier, platform and walkway are in need of replacement. The existing pier structure does not meet the 15 foot setback requirement under §18-10-144 of the conditional requirements for a recreational pier, however, the new pier has been designed to meet the setback on each side. The letter states that due to the unique shape and history of the property, compliance with all of the requirements is not possible. The property is owned by the Town of Highland Beach, a chartered municipality. SDAT lists the Highland Beach Property Owners Association as owning the roadways. The Mayor of the Town of Highland Beach explained the Town of Highland Beach governs the parcel, not a homeowner's association. The letter concludes by saying the Town will continue to govern and maintain rules for the use of the pier.

This Office has no objection to a recreational pier in this location. The location of the pier is being improved by locating it within the setbacks.

Regarding the general variance standards, it is the opinion of this Office that approval of the variance to the requirement that the lot be owned by a homeowners association and the variances to lot width and roadway width will not alter the essential character of the neighborhood as this site is an existing right-of-way and there has been a longstanding pier in this location. Approval of the variance will not substantially impair the appropriate use or development of adjacent property. The proposed improvements will meet all setbacks and the distance requirement to other piers.² There is no evidence that the proposed improvements would impede navigability to/from any adjacent piers. The proposal will not be detrimental to the public welfare. The

² §18-10-149(3)

location of the pier with a platform is considered to result in the minimum variance necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305, under which a variance may be granted, this Office recommends **approval** of a variance to § 18-10-149 (1) to allow a recreational pier on property not owned by a homeowner's association, with less lot width and road width than required, all 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.

NEIGHBORING OWNER(S):
MICHELE HAGANS
SITE: 1326 BAY AVE.
ANNAPOLIS, MD 21403
MAILING: 1645 MYRTLE ST., NW
WASHINGTON, DC 20012
DEED REF: /25403/00022

APPLICANT:
TOWN OF HIGHLAND BEACH
SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369

EXISTING
NEIGHBORING
PIER

EXISTING TIMBER
BULKHEAD

EXISTING FLOATING
14' LONG X 8'6"
WIDE KAYAK
LAUNCH AREA TO
REMAIN

NEIGHBORING BULKHEAD

PLEASE NOTE:

NOT ALL SITE IMPEDIMENTS ON PROPERTY ARE
SHOWN ON THIS PLAN. SEE SURVEY FOR MORE
INFORMATION.

ALL PILE MEASUREMENTS ARE CENTER TO
CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE
APPROXIMATED.

NO SAV ON SITE.



EXISTING 6' WIDE X 28' LONG PIER WITH
RAILINGS & 13' WIDE X 14' LONG
PLATFORM

BLACKWALNUT CREEK



Existing Condition Plan

SCALE
1" = 40'

FETCH, LLC
574-E RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

PROPERTY DETAILS:

DISTRICT: 02
SUBDIVISION: 411
ACCT. NUMBER: 05411500
LOT(S): --- MAP: 57
GRID: 15 PARCEL: 12
DEED REF:
PLAT REF.: 0001/0044
PROPERTY LAND AREA: 5.06 AC.
DATE: 4-26-23
PAGE 3 OF 6

PROPOSED WORK:

PIER

ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS
FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC
PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS
NOT TO BE CONSIDERED A BOUNDARY SURVEY AND
DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR
NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM
PROPERTY BOUNDARY SURVEY FOR CORRECT
DELINEATIONS. PROPERTY LINE EXTENSIONS AND
SETBACKS ARE APPROXIMATED.

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THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH
OWNS THE COPYRIGHT TO THE USE OF THE PLAN. NO
PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE
PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN
ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE
EXPRESS PURPOSE OF APPLYING FOR PERMITS TO
PERFORM THE WORK DESCRIBED IN THE PLAN.

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**TEMPORARY STOCK PILE AND
EQUIPMENT ACCESS AREA ON
TIMBER MATTING**
20' x 40' = 800 SF AREA

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EDWIN & ANNEMARIE HENDERSON
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DEED REF: /02936/00369

EXISTING
NEIGHBORING
PIER

INSTALL 6' WIDE X 15' LONG WALKWAY

NEIGHBORING BULKHEAD

EXISTING FLOATING
14' LONG X 8'6"
WIDE KAYAK
LAUNCH AREA TO
REMAIN

-3.0' MLW

6'
15'
30'
25'
14'
15' SB
15' SB
PLE
PLE
MHWL
MLWL = 0.0'

-1.5' MLW

-2.25' MLW

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APPROXIMATED.

NO SAV ON SITE.

BOARDING LADDERS SHOULD BE INSTALLED BY
THE OWNER ON THE SIDES OF THE PIER PER
COUNTY REQUIREMENTS.

**INSTALL 6' WIDE X 30' LONG PIER
WITH RAILINGS & 14' WIDE X 25'
LONG PLATFORM**

BLACKWALNUT CREEK



**Proposed
Condition
Plan**

SCALE
1" = 40'

FETCH, LLC
574-E RITCHIE HWY., #273
SEVERNA PARK, MD 21146
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TOWN OF HIGHLAND BEACH

(INCORPORATED 1922)

3243 WALNUT DRIVE

Highland Beach, Maryland 21403

Telephone (443) 837-5184

MAYOR

Crystal Chissell

TREASURER

Ronald L. Stokes, Sr.

COMMISSIONER

Michele Fuller

G. William Hunter

Sheila Jeanne Murchison

Linda Holmes Newton

May 6, 2025

Zoning Division of the Office of Planning & Zoning
Anne Arundel County
Heritage Office Complex
2664 Riva Road
Annapolis, Maryland 21401
Zoning Division - (410) 222-7437

RE: VARIANCE REQUEST

APPLICANT: TOWN OF HIGHLAND BEACH

MAILING ADDRESS: 3243 WALNUT DR., HIGHLAND BEACH, MD 21403

SITE ADDRESS (FOR VARIANCE): END OF BRUCE AVE., HIGHLAND BEACH, MD 21403

TAX ID: 241105411500

Dear Zoning Office:

This letter explains the request by the Town of Highland Beach for variances for the installation of a replacement recreational pier located at the end of Bruce Ave. in Highland Beach, MD 21403. A variance for this purpose was granted by the Administrative Hearing Officer of Anne Arundel County on August 24, 2023. However, the Applicant was not able proceed with construction within 18 months of the granting of the variance and the variance expired by operation of law. Applicant now seeks a variance for purposes identical to the purposes for which the expired August 24, 2023 variance was granted.

This property is zoned R2 and contains approximately 60 ft. along the shores of Blackwalnut Creek. The property survey contains a diagonal reference line which measures 69.16 ft. wide at the end of the street. A timber walkway, fixed timber pier and platform are in existence at the site and need replacement due to age and normal deterioration for a waterfront property. The residentially zoned parcel shown in the site plan depicts the property area and associated 15 ft. setbacks as defined by Code with extension lines that are direct side lot line extensions into water.

Based on the provisions of the Code relating to setbacks for an R2 property, the applicants must maintain 15 ft. on either side of the property line extensions into water. Upon complete depiction of this for the applicant's lot, this leaves around 14+- ft. of area for a pier. The new pier structure is entirely outside of setbacks, replacing a pier that previously extended upwards of 4 ft. into the setback area on the western side. The scope proposed is an improvement to the property and surrounding parcels.

Section 18-4-106 of the Code states recreational piers in R2 districts are allowed by conditional use. Under § 18-10-144. Piers, recreational, the Code states that a recreational pier shall comply with all of the below requirements. Due to the unique shape and history of the property, compliance with all the requirements is not possible and the applicant seeks variances to the below in italics.

- (1) The pier shall extend from a lot owned by a homeowner's association and the lot shall be at least 60 feet wide at the road, 80 feet wide at the shoreline, and not less than 20 feet wide at any point.

The parcel is owned by the Town of Highland Beach which is a chartered municipality. SDAT shows the parcel as owned by "Highland Beach Property Owners Association." Town of Highland Beach owns, maintains and governs the parcel not a homeowner's association. A variance to the requirement for the lot to be owned by an HOA is requested as the community members will enjoy recreational use of the pier but the Town will continue to govern and maintain rules for use (such as hours of operation etc.)

The lot is part of many property areas owned by the Town of Highland Beach and the subject project is located at the end of a street (Bruce Avenue). The width at the shoreline is approx. 60 ft. A variance to the width at the shoreline is requested - totaling approximately 20 ft. of difference.

- (2) The president of the homeowner's association shall file with the Office of Planning and Zoning a signed and dated statement that the executive board of the association or the association as a whole has taken official action to approve the pier.

Requirement satisfied.

- (3) The pier shall be located at least 15 feet from the lot lines extended and at least 50 feet from any existing pier or piling.

Requirement satisfied.

- (4) The pier and the landward walk leading to the pier shall be at least six feet wide.

Requirement satisfied.

- (5) Any walk structure or impervious walk shall be located at least 15 feet from any side lot line and may not unduly obstruct, increase, or redirect the natural flow of water.

Requirement satisfied.

- (6) Signs shall be installed on both sides at each end of the pier oriented toward the water indicating that the docking of boats, either permanently or temporarily, is prohibited.

Requirement satisfied.

- (7) The pier may have no detached piling, buoy, or other device for the mooring of boats.

Requirement satisfied.

- (8) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

Requirement satisfied.

- (9) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.

Requirement satisfied.

The scope proposed in this application is for a replacement pier for the recreational use and enjoyment by the residents of the Town of Highland Beach. It is a relatively short structure that does not extend past the $\frac{1}{4}$ distance allowance or create any navigational issues for neighboring piers. Access to Blackwalnut Creek with a motorboat is difficult if not impossible. Recreational use of the pier can continue with this replacement project. The Town does not seek any unnecessary variances or requests.

The granting of the variance(s) will not:

- (a) Alter the essential character of the neighborhood or district in which the lot is located.

Timber piers and platforms are common at many of the properties in Blackwalnut Creek. This proposal is similar to most other piers in the area and would not alter the essential character of the neighborhood.

- (b) Substantially impair the appropriate use or development of adjacent property.

The requested variances are not for encroachment into the setbacks. The proposal will improve the subject parcel by moving the new pier outside of the setback areas and thereby improving the use of the adjacent property. Use and development of the neighboring properties will not be impaired by the proposal.

- (c) Reduce forest cover in the Limited Development and Resource Conservation areas of the Critical Area

This does not apply to this proposal.

- (d) Be contrary to acceptable clearing and replanting practices required for development in the of the Critical Area or a Bog Protection Area; or be detrimental to the public welfare

This does not apply to this proposal.

The proposal conforms with Maryland Department of the Environment (COMAR, Title 27) & Army Corp. of Engineers regulations and all appropriate state and federal permitting has been awarded.

It is our belief, based on the explanations provided herein, that the requests in the proposal are the minimum necessary to afford relief to applicant. Thank you for your consideration.

Respectfully submitted,

Crystal Chissell
Mayor
Town of Highland Beach

BOARD OF COMMISSIONERS OF HIGHLAND BEACH

ORDINANCE NO 2012-01

Introduced by Mayor Sanders

First Reader: 10/18/2011

Second Reader: 11/14/2011

Effective Date: 01/05/2012

AN ORDINANCE concerning:

ACCEPTANCE OF TOWN PROPERTIES AND ROADS

FOR the purpose of formally accepting title and offers of dedication to certain properties and improved and unimproved roads lying within the corporate limits of Highland Beach; and all matters generally relating thereto.

EXPLANATORY STATEMENT: Since Highland Beach was incorporated, various properties have been conveyed to the Town for its use for municipal and governmental purposes. The deeds embodying these various conveyances have used a variety of names to describe the grantee municipal corporation now known under its charter as "Highland Beach." These properties have been used for such municipal and governmental purposes by the Town and its Board of Commissioners, and Town funds have been expended in the maintenance and upkeep of these properties over the years. Since its incorporation, the Town also has maintained as public ways those improved roads lying within Highland Beach, and has in all respects treated and recognized such roads as Town roads.

Although the Town has exercised dominion and control over these properties and roads, and by such actions may be deemed to have accepted the conveyances of such properties and the offers of dedication of the roads, existing Town records do not reflect whether such conveyances and offers of dedication were ever formally accepted by act of the Board of Commissioners. Although formal acceptance by legislative act may not be required for some or all of the properties and roads, the Board of Commissioners deems it prudent, for purposes of protecting the rights of the Town and of giving notice to the world of the Town's ownership or control of the properties and improved roads, to enact an ordinance formally accepting all of the properties conveyed to the Town and the offers of dedication of the improved roads in Highland Beach. In order to effectively plan for the future of Highland Beach, the Board of Commissioners also deems it prudent to accept the offers of dedication of all such unopened or unimproved roads, and roads previously opened or improved but since abandoned, shown on plats of property lying within Highland Beach.

The purpose of this Ordinance is to accomplish these objectives. Now, therefore,

SECTION I: BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HIGHLAND BEACH, that, to the extent as may be required by law, the Board of Commissioners hereby approves and accepts on behalf of the Town, and to the extent previously approved and accepted hereby ratifies, confirms and validates the approval and acceptance on behalf of the Town, of the following conveyances of properties lying within the corporate limits of the Town:

1. Deed dated April 10, 1939, from Haley G. Douglass and Evelyn D. Douglass, his wife, Grantors, to Commissioners of Highland Beach, Grantees, recorded among the Land Records of Anne Arundel County in Liber JHH 239, folio 207. (2,500 square foot parcel of ground lying 100 feet along the division line of Venice Beach and Highland Beach and having a frontage of 25 feet along Walnut Drive.)

2. a.) Deed dated October 22, 1974, from Jean M. Green (Greene), Grantor, to Town of Highland Beach, Grantee, recorded among the Land Records of Anne Arundel County in Liber WGL 2721, folio 430; and

b.) Confirmatory Deed dated October 30, 1987, from Jean M. Greene, Grantor, and Town of Highland Beach, Grantee, recorded among the Land Records of Anne Arundel County in Liber HES 4496, folio 741. (The Town Beach, including "the Park").

3. Deed dated August 17, 1977, from Jean M. Green (Greene), Grantor, to Town of Highland Beach, Grantee, recorded among the Land Records of Anne Arundel County in Liber WGL 3027, folio 115. (Lots 24 and 25, Block 5, as shown on the Revised Plat of Highland Beach.)

SECTION II: AND BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF HIGHLAND BEACH, that, to the extent as may be required by law and to the fullest extent allowed by law, the Board of Commissioners hereby approves and accepts on behalf of the Town, and to the extent previously approved and accepted hereby ratifies, confirms and validates the approval and acceptance on behalf of the Town, of the offer of dedication of all roads, streets, alleys and other rights-of-way, whether improved, unimproved or unopened, lying within the corporate limits of the Town and as shown on the "Revised Plat of Highland Beach", recorded among the Land Records of Anne Arundel County in Plat Book No. 1, folio 44, speed 10, as Plat No. 243; and also as shown on a plat entitled "Plat of Subdivision for Dr. Washington at Highland Beach", recorded among said Land Records in Plat Book 19, folio 24; such roads, streets and alleys including, but not necessarily limited to Wayman Avenue, Douglass Avenue, Bay Avenue, Langston Avenue, Bruce Avenue, Walnut Drive, Lake Avenue and Washington Avenue (now sometimes known as Bay Highlands Drive).

SECTION III: AND BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF HIGHLAND BEACH, that, this Ordinance shall become effective at the expiration of 20 days following its approval by the Board of Commissioners.

SECTION IV: AND BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF HIGHLAND BEACH, that, a copy of this Ordinance shall be posted on the bulletin board in the Town Park for 20 days after its approval by the Board of Commissioners.

APPROVED this 19 day of December, 2011.

BOARD OF COMMISSIONERS OF
HIGHLAND BEACH

By: William H. Sanders III
William H. Sanders, III, Mayor

ATTEST:

Nikki West
Secretary to the Board of Commissioners

December 19, 2011
Date

TOWN OF HIGHLAND BEACH

**Certificate of Secretary to the Board of Commissioners as to
Passage and Publication of Ordinance**

I HEREBY CERTIFY, that Ordinance No. 2012- 01 was passed by the affirmative vote of not less than three members of the Board of Commissioners at a meeting of the Board of Commissioners held on 19 December, 2011.

I FURTHER CERTIFY that a copy of Ordinance No. 2012- 01 was posted for a period of 20 days following its passage by the Board of Commissioners on the bulletin board in the Town Park.

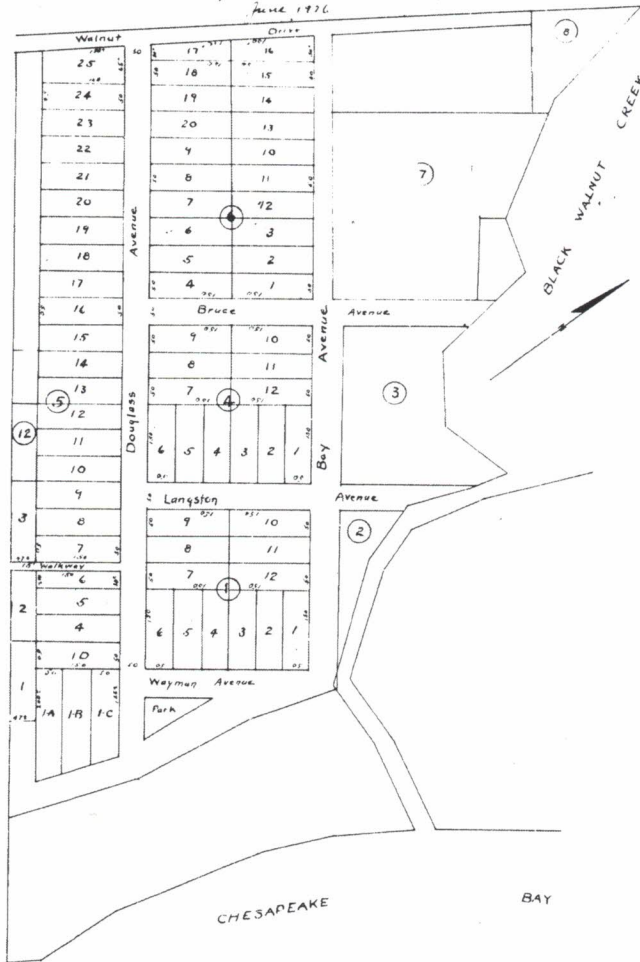
Nikki Weet
Secretary to the Board of Commissioners

December 19, 2011
Date

REVISED PLAT
OF
HIGHLAND BEACH

2ND DIST AA CO MD

Drawn by J. Carson Bush Surveyor
June 1926



Added Aug 14-1926
(No 243)



CABINET No. 1
ROD No. C
PLAT No. 13
Anne Arundel Co.



William Morgante, PWS
Wetlands Administrator

State of Maryland
Board of Public Works

Wetlands Administration

80 Calvert Street, Room 117, Annapolis, Maryland 21401
410-260-7791

Wes Moore
Governor

Dereck E. Davis
Treasurer

Brooke Lierman
Comptroller

John T. Gontrum, Esq.
Executive Secretary

WETLANDS LICENSE NO. 23-0541
TOWN OF HIGHLAND BEACH

The Maryland Board of Public Works authorizes you to:

- I. Remove an existing community pier and associated structures
- II. Construct a new 30-foot long by 6-foot wide timber community pier with a 25-foot by 14-foot platform and a 14-foot long by 8.5-foot wide floating kayak launch all extending a maximum 55 feet from the mean high water line.

Blackwalnut Creek, end of Bruce Avenue, Highland Beach, Anne Arundel County, Maryland

Issuance of this Tidal Wetlands License constitutes the State's determination that the authorized activities are consistent with the Maryland Coastal Zone Management Program (CZMP), as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended [16 U.S.C. §1456]. Accordingly, the State concurs with the Licensee's certification in the Joint Permit Application that the project complies with and will be conducted in a manner consistent with the Maryland CZMP.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU
COMPLY WITH THE FOLLOWING SPECIAL CONDITION(S):**

- A. The Licensee shall not perform any in-stream work from February 15 through June 15 of any year due to anadromous fish restrictions.
- B. The Licensee shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.

**THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF
YOU COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:**

1. Licensee shall conduct the authorized work in accordance with the plans and drawings dated as accepted by MDE on August 28, 2023, which are hereby incorporated into this License.
2. Until the authorized work is complete, Licensee shall have available at the site a copy of this License including the plans and drawings.
3. This License constitutes Maryland's authorization to conduct the authorized work under the State Tidal Wetlands Law. This License does not bestow any other federal, State, or local government authorization.
4. Licensee shall have all proposed work above Mean High Water reviewed and authorized by the local county Department of Planning and Zoning or applicable agency.

WL#23-0541

Town of Highland Beach

5. Licensee shall notify MDE's Compliance Program by BOTH phone AND in writing of the following: (a) start date at least five business days before beginning work; and
(b) completion date no more than five business days after project completion.

Central Division: 410-537-3510 1800 Washington Blvd, Baltimore, MD 21230

6. Licensee shall comply with any regulations, conditions, or instructions issued by MDE, including any Water Quality Certification issued with respect to the authorized work.
7. Licensee shall conduct the authorized work in accordance with Critical Area Commission requirements. This License does not authorize disturbance in the Buffer. If authorized work will disturb the Buffer, Licensee shall have a Commission-approved or locally approved Buffer Management Plan before beginning the authorized work.

"Buffer" means the 100-foot Critical Area Buffer and any expanded area that is immediately landward of the mean high-water line of the tidal waters or is immediately landward of tidal wetlands. The Buffer includes expanded contiguous area if the contiguous area includes steep slopes, hydric soil, or highly erodible soil, or otherwise meets the criteria of COMAR 27.01.09.01.E(7). "Disturbance" means any alteration or change to the land including any amount of clearing. Clearing includes vegetation removal, grading, and construction activity.
8. Licensee may not fill, dredge, or otherwise alter or destroy tidal marsh or its vegetation unless this License specifically authorizes the activity.
9. Licensee may not stockpile material in State tidal wetlands/State tidal waters of the U.S.
10. Licensee shall allow unfettered public use of State wetlands/State tidal waters of the U.S.
11. This License does not transfer a property interest of the State.
12. Licensee shall file a Miss Utility ticket for the proposed work at least 10 days before beginning work. *Miss Utility: 800-257-7777*
13. Licensee shall ensure that structures (for example, piers and piles) removed from the site are taken to an upland disposal facility approved by MDE's Compliance Program.
14. If the authorized work impacts more than 5,000 square feet or includes 100 or more cubic yards of fill, Licensee shall conduct the authorized work in accordance with a locally approved Soil Erosion and Sediment Control Plan.
15. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537-3249, by email at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
16. Licensee shall allow State officials and employees to make inspections at reasonable times and cooperate with those inspections.
17. This License is granted only to the Licensee. Licensee may transfer the license only with written approval from the Board of Public Works. If the Board of Public Works approves the transfer, the transferee is subject to all License terms and conditions.
18. Licensee shall indemnify, defend, and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims, and actions of whatever kind, caused by or arising from, the work this License authorizes.
19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion. Licensee shall promptly comply upon notice of any such action.
20. This License expires December 4, 2026.

If the authorized work is not completed by the expiration date, all activity must stop.

WL#23-0541

Town of Highland Beach

Note: A three-year license may be renewed for one additional three-year term if the Licensee requests an extension before the expiration date and all other conditions are met. A six-year license may not be renewed; instead, Licensee must reapply to MDE for a new license. Contact the Board of Public Works to determine if this License may be extended.

Board of Public Works: 410-260-7791

21. In conducting work authorized under this license, licensee may not cause injury to private property; invade the rights of others; or infringe any federal, state, or local laws or regulations.
22. Licensee shall maintain any authorize structure in good condition and perform the authorized activity in a workmanlike manner in accordance with this license.
23. In conducting work authorized under this license, licensee shall eliminate or minimize adverse effects on fish, wildlife, and the natural environment.

By the authority of the Board of Public Works:

DocuSigned by:

William Morgante

D1F6E3178FDB4B0...

William Morgante

Wetlands Administrator

December 4, 2023

Effective Date:

Approved as: Secretary's Agenda Item 7

Board of Public Works Meeting Date: November 29, 2023

I accept this License and all its conditions.

12/2/2023

Date

DocuSigned by:

Crystal Chissell

221184FCB6F34AD...

Licensee (Signature)

Crystal Chissell

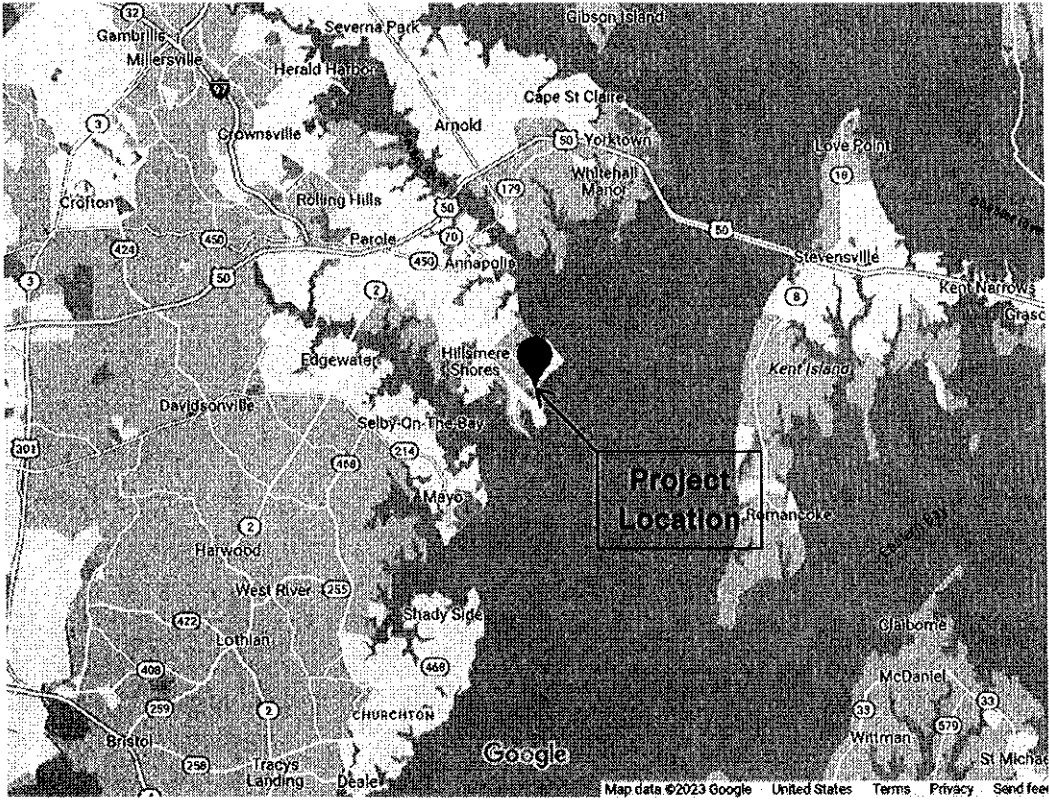
Name (Printed)

Mayor

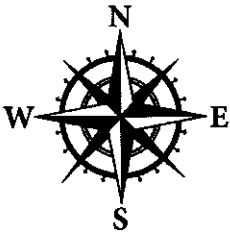
Title

mayor.hIGHLANDbeachmd@gmail.com

Email (to receive completed license)



**VICINITY
MAP**
GOOGLE MAPS
2023



**AERIAL
MAP**
ANNE ARUNDEL
COUNTY
ENGINEERING
RECORD DRAWING
& MONUMENTS

MAPS

SCALE
As Specified on Map

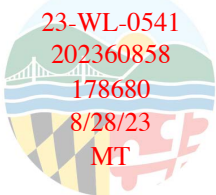
BY: FETCH, LLC
574-E RITCHIE HWY., #273,
SEVERNA PARK, MD 21146

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

PROPERTY DETAILS:
DISTRICT: 02
SUBDIVISION: 411
ACCT. NUMBER: 05411500
LOT(S): --- MAP: 57
GRID: 15 PARCEL: 12 **PAGE 1 OF 6**



PROPOSED WORK:
PIER

ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.

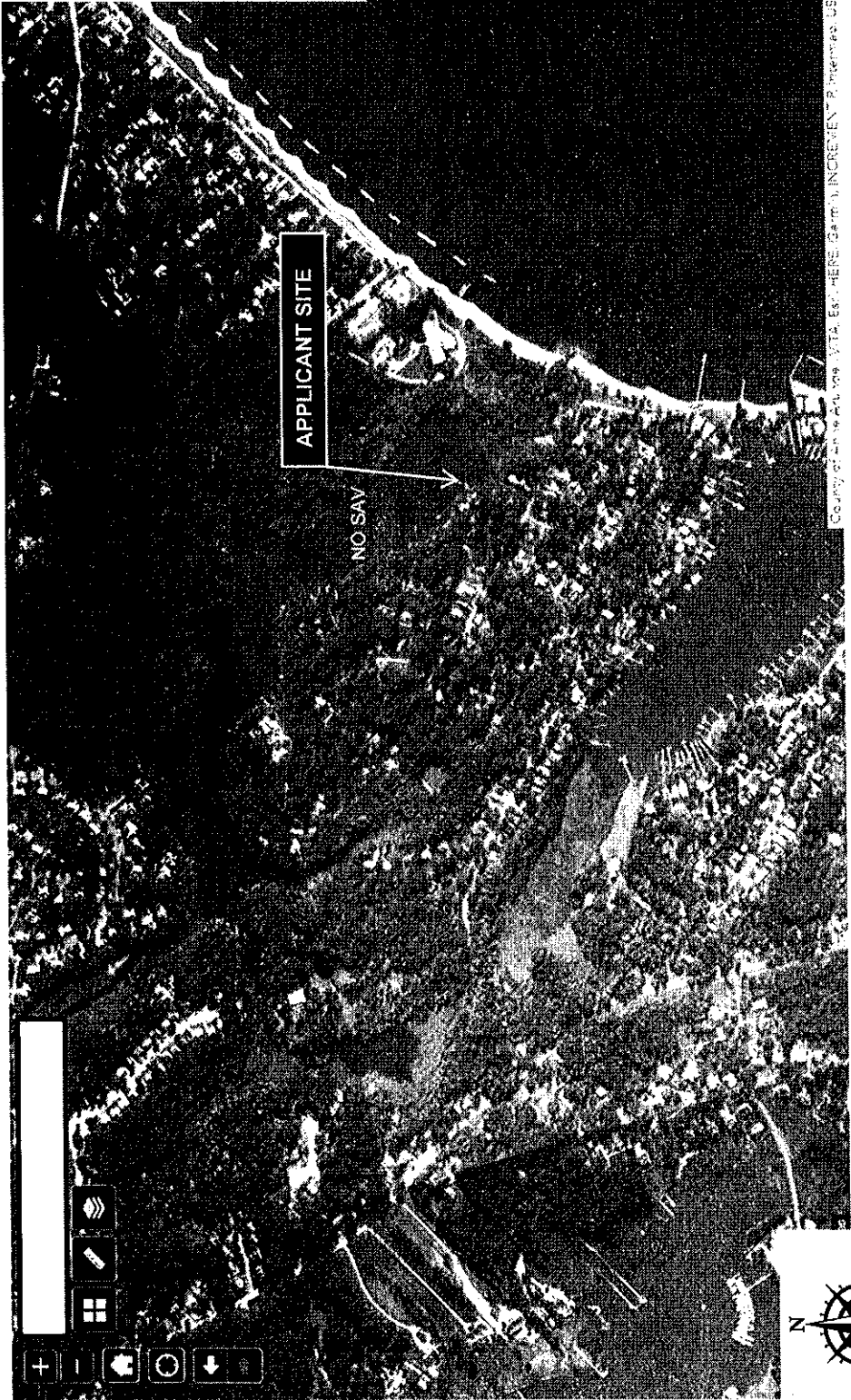
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MAP IS FROM VIMS SAV ECOLOGY,
MONITORING & RESTORATION
PROGRAM

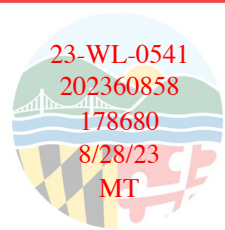
NOTES:

- 1. MHW/MLWL SHOWN
ON DETAIL
CONDITION PLANS
- 2. PL EXT. SEE
PROPOSED PLAN
- 3. EBB/FLOOD ON PLAN
SHEETS



PROPOSED WORK:
PIER

S: 3411500
12
A: 5.06 AC.
PAGE 2 OF 6



APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

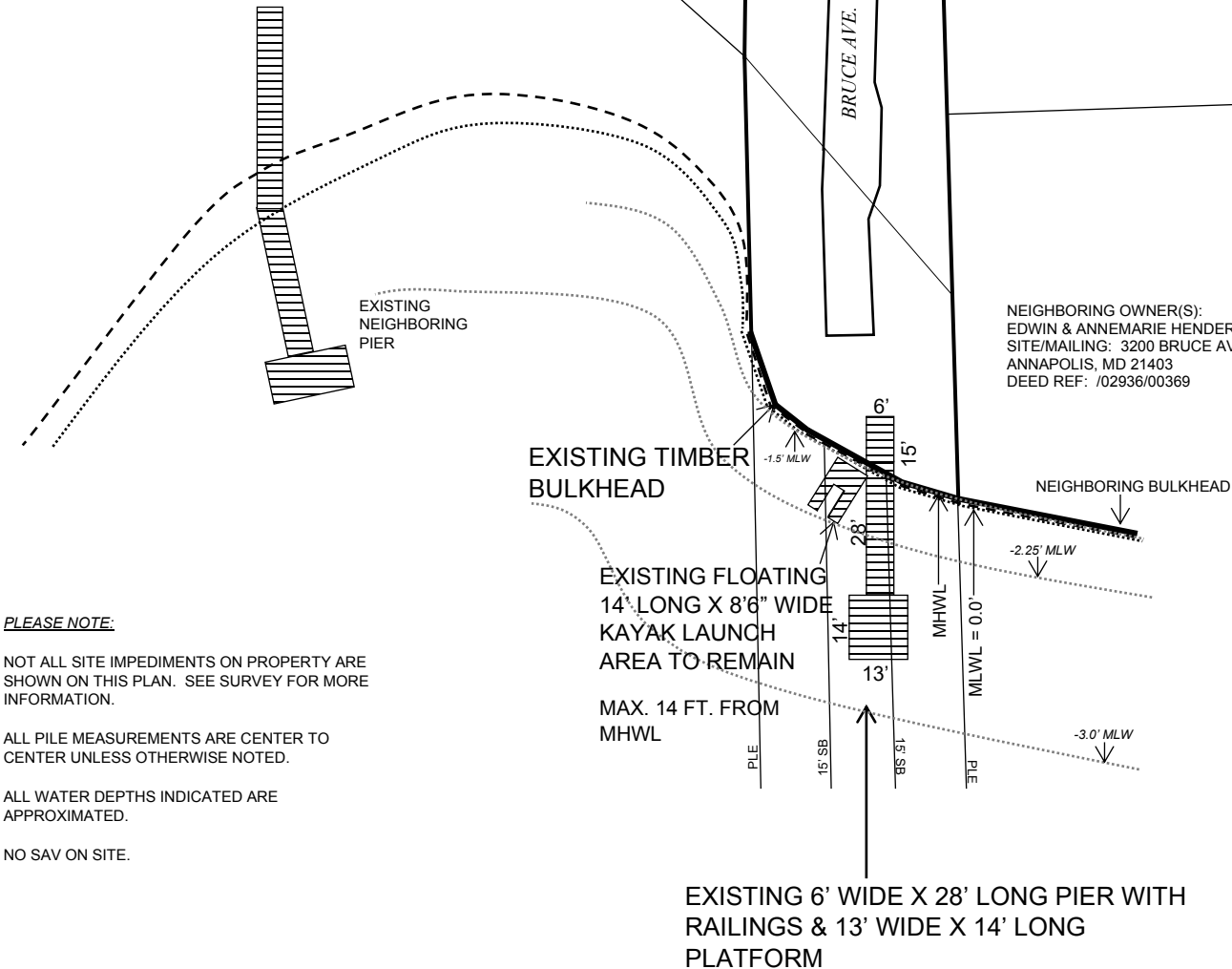
SAV/Project
Vicinity
SCALE: NTS
THIS DRAWING IS FOR PERMIT USE ONLY

BY: FETCH, LLC
574-E M RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

NEIGHBORING OWNER(S):
MICHELE HAGANS
SITE: 1326 BAY AVE.
ANNAPOLIS, MD 21403
MAILING: 1645 MYRTLE ST., NW
WASHINGTON, DC 20012
DEED REF: /25403/00022

APPLICANT:
TOWN OF HIGHLAND BEACH
SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369



PLEASE NOTE:

NOT ALL SITE IMPEDIMENTS ON PROPERTY ARE SHOWN ON THIS PLAN. SEE SURVEY FOR MORE INFORMATION.

ALL PILE MEASUREMENTS ARE CENTER TO CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE APPROXIMATED.

NO SAV ON SITE.

BLACKWALNUT CREEK



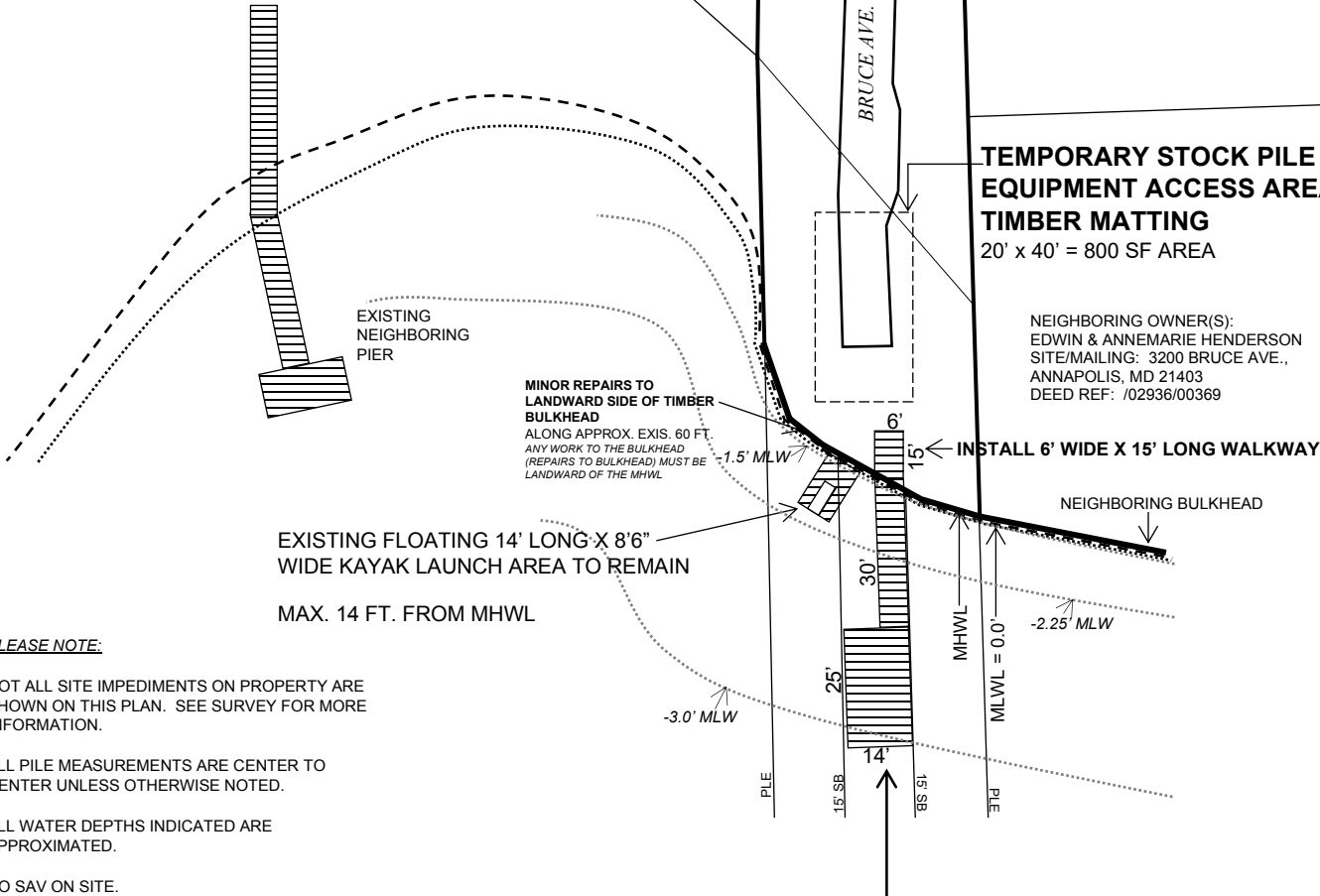
<div>Existing Condition Plan</div> <div>SCALE</div> <div>1" = 40'</div> <div>FETCH, LLC</div> <div>574-E RITCHIE HWY., #273</div> <div>SEVERNA PARK, MD 21146</div> <div>410-756-0885</div>	<div>APPLICANT/OWNER:</div> <div>TOWN OF HIGHLAND BEACH</div> <div>SITE ADDRESS:</div> <div>END OF BRUCE AVE.</div> <div>HIGHLAND BEACH, MD 21403</div> <div>MAILING ADDRESS:</div> <div>3243 WALNUT DR.</div> <div>HIGHLAND BEACH, MD 21403</div>	<div>PROPERTY DETAILS:</div> <div>DISTRICT: 02</div> <div>SUBDIVISION: 411</div> <div>ACCT. NUMBER: 05411500</div> <div>LOT(S): --- MAP: 57</div> <div>GRID: 15 PARCEL: 12</div> <div>23-WL-0541</div> <div>202360858</div> <div>178680</div> <div>8/28/23</div> <div>MT</div>	<div>PROPOSED WORK:</div> <div>PIER</div> <div>ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.</div> <div>COPYRIGHT © FETCH, LLC 2023</div> <div>THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH OWNS THE COPYRIGHT TO THE USE OF THE PLAN. NO PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE EXPRESS PURPOSE OF APPLYING FOR PERMITS TO PERFORM THE WORK DESCRIBED IN THE PLAN</div>
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NEIGHBORING OWNER(S):
MICHELE HAGANS
SITE: 1326 BAY AVE.
ANNAPOLIS, MD 21403
MAILING: 1645 MYRTLE ST., NW
WASHINGTON, DC 20012
DEED REF: /25403/00022

APPLICANT:
TOWN OF HIGHLAND BEACH
SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

TEMPORARY STOCK PILE AND
EQUIPMENT ACCESS AREA ON
TIMBER MATTING
20' x 40' = 800 SF AREA

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369



PLEASE NOTE:

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ALL PILE MEASUREMENTS ARE CENTER TO CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE APPROXIMATED.

NO SAV ON SITE.

BOARDING LADDERS SHOULD BE INSTALLED BY THE OWNER ON THE SIDES OF THE PIER PER COUNTY REQUIREMENTS.

INSTALL 6' WIDE X 30' LONG PIER
WITH RAILINGS & 14' WIDE X 25'
LONG PLATFORM

MAX. 11 PIER & PLATFORM PILES

MAX. 55 FT. FROM MHWL

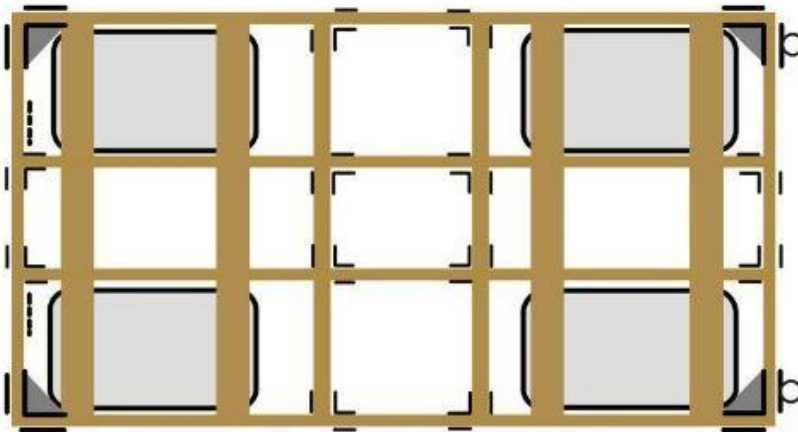
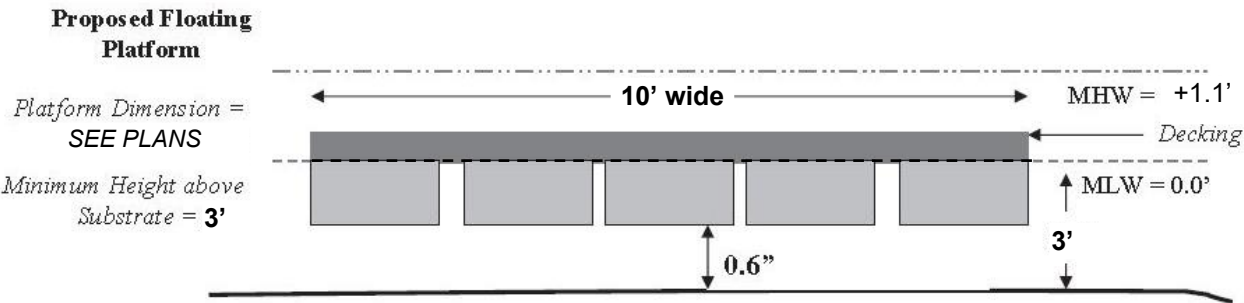
BLACKWALNUT CREEK



<div>Proposed Condition Plan</div> <div>SCALE 1" = 40'</div> <div>FETCH, LLC 574-E RITCHIE HWY., #273 SEVERNA PARK, MD 21146 410-756-0885</div>	<div>APPLICANT/OWNER: TOWN OF HIGHLAND BEACH</div> <div>SITE ADDRESS: END OF BRUCE AVE. HIGHLAND BEACH, MD 21403</div> <div>MAILING ADDRESS: 3243 WALNUT DR. HIGHLAND BEACH, MD 21403</div>	<div>PROPERTY DETAILS: DISTRICT: 02 SUBDIVISION: 411 ACCT. NUMBER: 05411500 LOT(S): --- MAP: 57 GRID: 15 PARCEL: 1</div> <div>23-WL-0541 202360858 178680 8/28/23 MT</div>	<div>PROPOSED WORK: PIER</div> <div>ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.</div> <div>COPYRIGHT © FETCH, LLC 2023</div> <div>THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH OWNS THE COPYRIGHT TO THE USE OF THE PLAN. NO PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE EXPRESS PURPOSE OF APPLYING FOR PERMITS TO PERFORM THE WORK DESCRIBED IN THE PLAN</div>
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CONSTRUCTION PLAN

TYPICAL FLOATING KAYAK PLATFORM SPECS – NTS



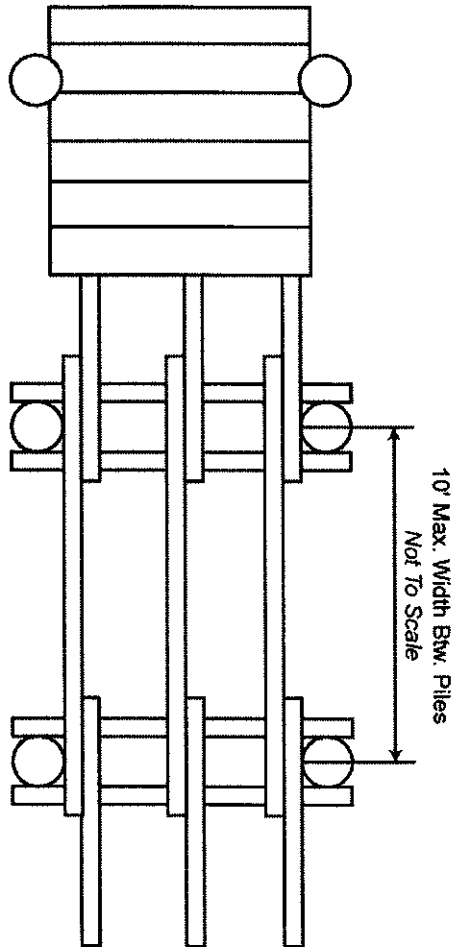
FLOATING PLATFORM WITH STANDARD/TYPICAL FLOATS, TIMBER OR COMPOSITE FRAMING & DECKING, MARINE GRADE MATERIAL WHERE APPLICATION ALLOWS, THIS DRAWING IS FROM HOMEDEPOT.COM

PLEASE NOTE: THESE ARE GENERAL SPECS. FOR PERMITTING PURPOSES ONLY. STANDARD ANCHORING METHODS AND PILE PLACEMENTS FOR FLOATING STRUCTURES SHOULD BE USED FOR INSTALLATION.

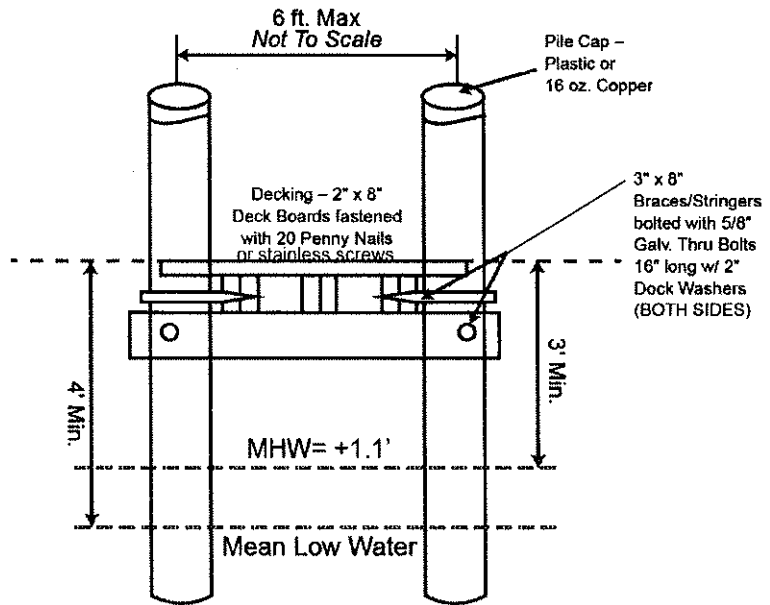
KAYAK FLOATING PLATFORM SPECS SCALE As Specified	APPLICANT/OWNER: TOWN OF HIGHLAND BEACH	PROPERTY DETAILS: DISTRICT: 02 SUBDIVISION: 411 ACCT. NUMBER: 05411500 LOT(S): --- MAP: 57 GRID: 15 PARCEL DEED REF: 23-WL-0541 202360858 178680 8/28/23 MT	PROPOSED WORK: PIER
BY: FETCH, LLC 574-E RITCHIE HWY., #273 SEVERNA PARK, MD 21146	SITE ADDRESS: END OF BRUCE AVE. HIGHLAND BEACH, MD 21403	MAILING ADDRESS: 3243 WALNUT DR. HIGHLAND BEACH, MD 21403	<small>IF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, TABLE PLANS, AND PUBLIC PLATS. DIMENSIONS ABOVE APPROXIMATE. PLAN IS NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND DOES NOT USE EXISTING IMPEDIMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT LOCATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE OBTAINED.</small> <small>RIGHT © FETCH, LLC 2023</small> <small>PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH OWNS THE RIGHT TO THE USE OF THE PLAN. NO PERSON OR ENTITY MAY USE ALL OR PART OF THE PLAN, INCLUDING THE OWNER OF THE PROPERTY, IN ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE EXPRESS USE OF APPLYING FOR PERMITS TO PERFORM THE WORK DESCRIBED IN PLAN</small>

CONSTRUCTION PLAN

TYPICAL FIXED PIER, WALKWAY, PLATFORM, PILE SPECS – NTS

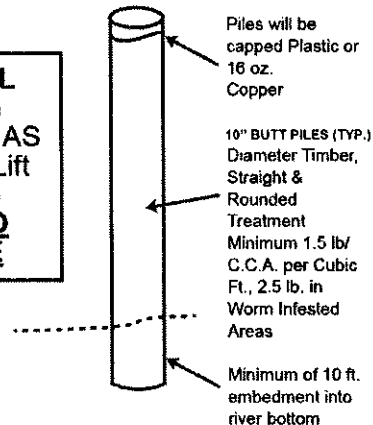


**TYPICAL PIER PLAN
NOT TO SCALE**



**TYPICAL PIER
CROSS SECTION
NOT TO SCALE**

**TYPICAL
PILING
FOR USE AS
Mooring/Lift
PILING
NOT TO
SCALE**



PLEASE NOTE:

ALL SPECS SHOWN HEREIN ARE TYPICAL AND FOR PERMITTING PURPOSES ONLY. OWNER MUST CONFIRM SPECS WITH CONTRACTOR INCLUDING PILE LENGTHS, DIA. & HEIGHTS. THIS SPEC. IS TO BE USED AS A GUIDE ONLY AND IS NOT AN ENGINEERED DRAWING. AS BUILT DEVIATIONS MAY EXIST. RAILINGS TO BE INSTALLED ALONG THE SIDES OF THE PIER AND AROUND THE PLATFORM PER THE OWNE'S PREFERENCE.

PIER SPECS

SCALE
As Specified

BY: FETCH, LLC
574-E RITCHIE HWY.,
#273
SEVERNA PARK, MD
21146

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
ANNAPOLIS, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

PROPERTY DETAILS:
DISTRICT: 02
SUBDIVISION: 411
ACCT. NUMBER: 05411500
LOT(S): --- MAP: 57
GRID: 15 PARCEL: ---
DEED REF: ---

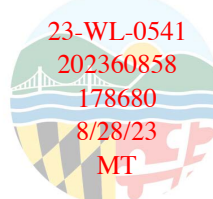
PAGE 6 OF 6

PROPOSED WORK:
PIER

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DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

November 21, 2023

Operations Division

Mayor Crystal Chissell
Town of Highland Beach
3243 Walnut Drive
Highland Beach, Maryland 21403

Dear Ms. Chissell:

This is in reference to your application for a Department of the Army permit, identified by this office as NAB-2023-60858-M54 (Town of Highland Beach Bruce Ave) dated June 22, 2023, wherein you requested a Department of the Army (DA) authorization to remove the existing community pier and associated walkway and install a new walkway measuring 6-feet-wide by 15-feet-long, a pier with railings measuring 6-feet-wide by 30-feet-long, and platform measuring 14-feet-wide by 25-feet-long, with all work extending a maximum 55 feet channelward of the approximate mean high-water shoreline in Blackwalnut Creek, located in Highland Beach, Anne Arundel County, Maryland (39.932095, -76.465401).

The State of Maryland has advised the United States Army Corps of Engineers (Corps) that your project as proposed would be consistent with the State's Coastal Zone Management Program in State Tidal Wetlands License 23-WL-0541.

Upon the recommendation of the Chief of Engineers and under the provisions of Section 10 of the Rivers and Harbors Act of March 1899, you are hereby authorized by the Secretary of the Army to construct the pier, walkway, and platform under a Letter of Permission. All proposed work must be accomplished in accordance with the enclosed plan(s).

You may accept this initial proffered letter of permission and your work is authorized. Your acceptance of this letter of permission or undertaking any activity in reliance on a Corps permit authorization means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions associated with the permit.

If you object to this letter of permission because of certain terms and conditions therein, a letter outlining your objections to this initial proffered permit, including any additional information to clarify your objections, must be received by our District Engineer at the address below by January 20, 2024, or you will forfeit your right to appeal the permit in the future. The letter must be mailed to the following address:

Commander, Baltimore District
United States Army Corps of Engineers
Attention: CENAB-OP-R
2 Hopkins Plaza
Baltimore, Maryland 21201

Please note that if you decline this initial proffered letter of permission, you do not have a valid permit to conduct regulated activities in waters of the United States and must not begin construction of the work requiring a Corps permit unless and until you receive and accept a valid Corps permit.

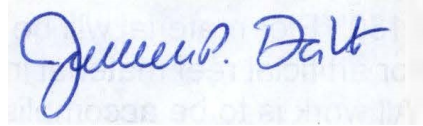
Enclosed is your permit that has been dated and validated with the appropriate District signatures (Enclosure 1). Also, enclosed is a yellow card, ENG FORM 4336, which must be conspicuously displayed at the site of work prior to commencement of construction (Enclosure 2). In addition, enclosed is a compliance self-certification form (Enclosure 3). Upon completion of the authorized work and required mitigation, you are required to complete the enclosed compliance certification form and return it to the address indicated thereon.

Please note that as of the date of this authorization, your project is in compliance with Section 7 of the Endangered Species Act. However, new species may be listed, or additional populations found. Therefore, it is your responsibility to ensure that construction of the authorized work does not adversely affect any existing or newly listed federally endangered or threatened species. Information on threatened and endangered species and their critical habitat can be obtained from the offices of the United States Fish and Wildlife Service and National Marine Fisheries Service or their web pages at: <https://ecos.fws.gov/ipac> and <https://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html> respectively.

A copy of this letter is also being forwarded to Ms. Mel Throckmorton of the Maryland Department of the Environment and Ms. Lauren Heinsohn of Fetch Consulting Group for informational purposes.

If you have any questions concerning this matter, please contact Mr. Zachary Fry of this office via phone at (410)-962-6080 or via email at zachary.t.fry@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, reading "Joseph P. DaVia". The signature is written in a cursive style. Below the signature, there is a faint, mirrored watermark that reads "All work is to be recorded".

Joseph P. DaVia
Chief, Maryland North Section
Regulatory Branch

Enclosures



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

PERMIT

Letter of Permission

Permittee must have a copy of this permit available on site or upon request

Application Name and Permit Number: NAB-2023-60858-M54 (Town of Highland Beach
Bruce Ave)

Issuing Office: United States Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, Maryland 21201

Permittee: Mayor Crystal Chissell
Town of Highland Beach
3243 Walnut Drive
Highland Beach, Maryland 21403

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

The Town of Highland Beach proposes to remove the existing community pier and associated walkway and install a new walkway measuring 6-feet-wide by 15-feet-long, a pier with railings measuring 6-feet-wide by 30-feet-long, and platform measuring 14-feet-wide by 25-feet-long, with all work extending a maximum 55 feet channelward of the approximate mean high-water shoreline in Blackwalnut Creek, located in Highland Beach, Anne Arundel County, Maryland (39.932095, -76.465401).

Project Location: Located at the end of Bruce Avenue, Highland Beach, Maryland 21403 (39.932095, -76.465401)

I. General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2028. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition I.D. below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

II. Special Conditions:

1. No in-water work shall occur between February 15 through June 15, inclusive of any year, to avoid impacts to anadromous fish species during spawning.
2. All work is to be completed in accordance with the enclosed authorized plans prepared by Fetch, LLC., dated August 25, 2023. A copy of this DA permit and project plans must be given to the contractor performing the work and posted on site at the time of construction.
3. You must notify Mr. Zachary Fry at zachary.t.fry@usace.army.mil or (410)-962-6080 one day prior to construction start.
4. Best management practices must be employed to minimize impacts to the waterways. The permittee must employ measures during construction to prevent spills of fuels and/or lubricants, etc. If a spill occurs, it must immediately be controlled to prevent its entry into the waterway.

5. There shall be no deviation to the authorized work without prior approval of the Corps. Revised project plans and a description of any additional work in waters of the United States, other than that shown on the approved project plans, must be submitted to the Corps for review and approval two weeks prior to commencing work.

6. The applicant shall be responsible for immediately removing any and all debris introduced into the waterway as a result of the construction activities and should ensure that all demolition debris is disposed of properly.

7. All construction staging areas and excavated materials must be deposited at an upland site, not in waters of the United States, including jurisdictional wetlands.

8. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structures or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

9. The U.S. Code of Federal Regulations, Title 33, Subpart 64 states that all structures erected in navigable waters require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in navigable waters, then you must contact the Commander, Fifth Coast Guard District, 431 Crawford Street, Room 100, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

(X) Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

() You must have a copy of this permit available on the vessel used for the authorized transportation and disposal of dredged material.

() You must advise this office in writing, at least two weeks before you start maintenance dredging activities under the authority of this permit.

(X) You must take the actions required to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of titles to or interest in real property.

III. Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

() Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see III D. above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 - d. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. Extensions. General Condition I. A. establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.
7. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee email at NAB-Regulatory@usace.army.mil. Please include your Corps permit number NAB-2023-60858-M54 in the subject line.

NAB-2023-60858-M54 (Town of Highland Beach Bruce Ave)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

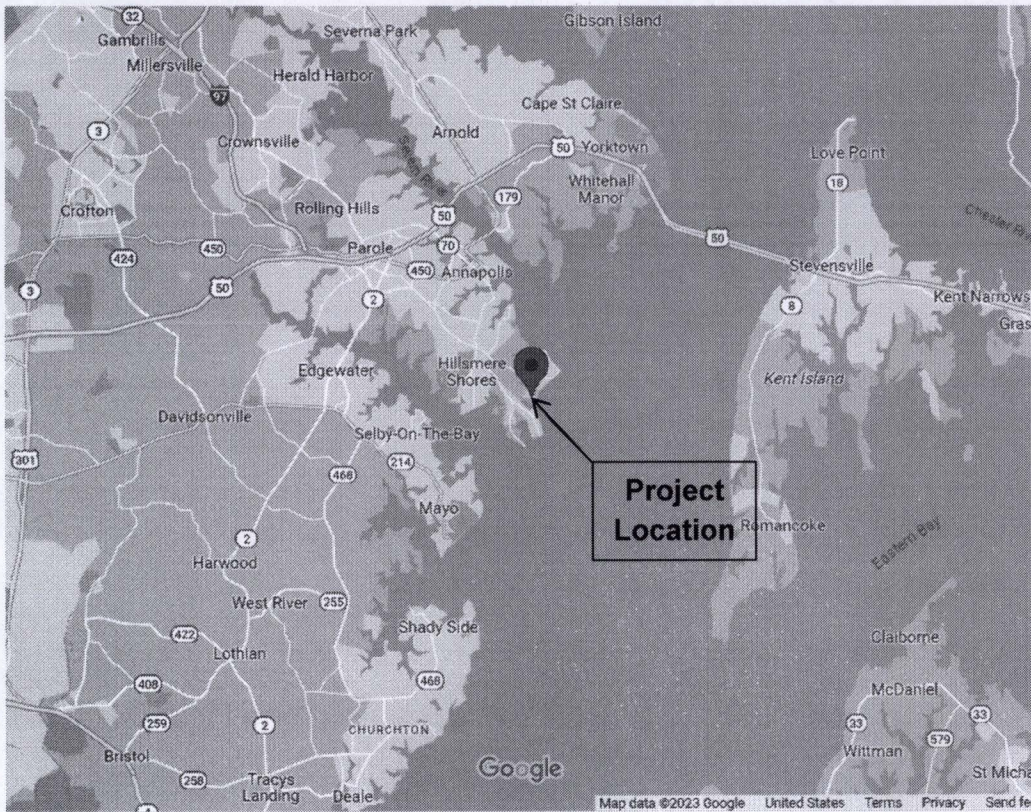
I have read and understand the terms and conditions in this letter of permission. I acknowledge and accept the permit terms and conditions and agree to perform this work as specified.

SIGNATURE

DATE

TRANSFERREE

DATE



VICINITY MAP GOOGLE MAPS 2023



AERIAL MAP ANNE ARUNDEL COUNTY ENGINEERING RECORD DRAWING & MONUMENTS

MAPS

SCALE

As Specified on Map

BY: FETCH, LLC
574-E RITCHIE HWY., #273,
SEVERNA PARK, MD 21146

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

PROPERTY DETAILS:
DISTRICT: 02
SUBDIVISION: 411
ACCT. NUMBER: 05411500
LOT(S): --- MAP: 57
GRID: 15 PARCEL: 12
DEED REF:
PLAT REF.: 0001/0044
PROPERTY LAND AREA: 5.06 AC.
DATE: 4-26-23
PAGE 1 OF 6

PROPOSED WORK:
PIER

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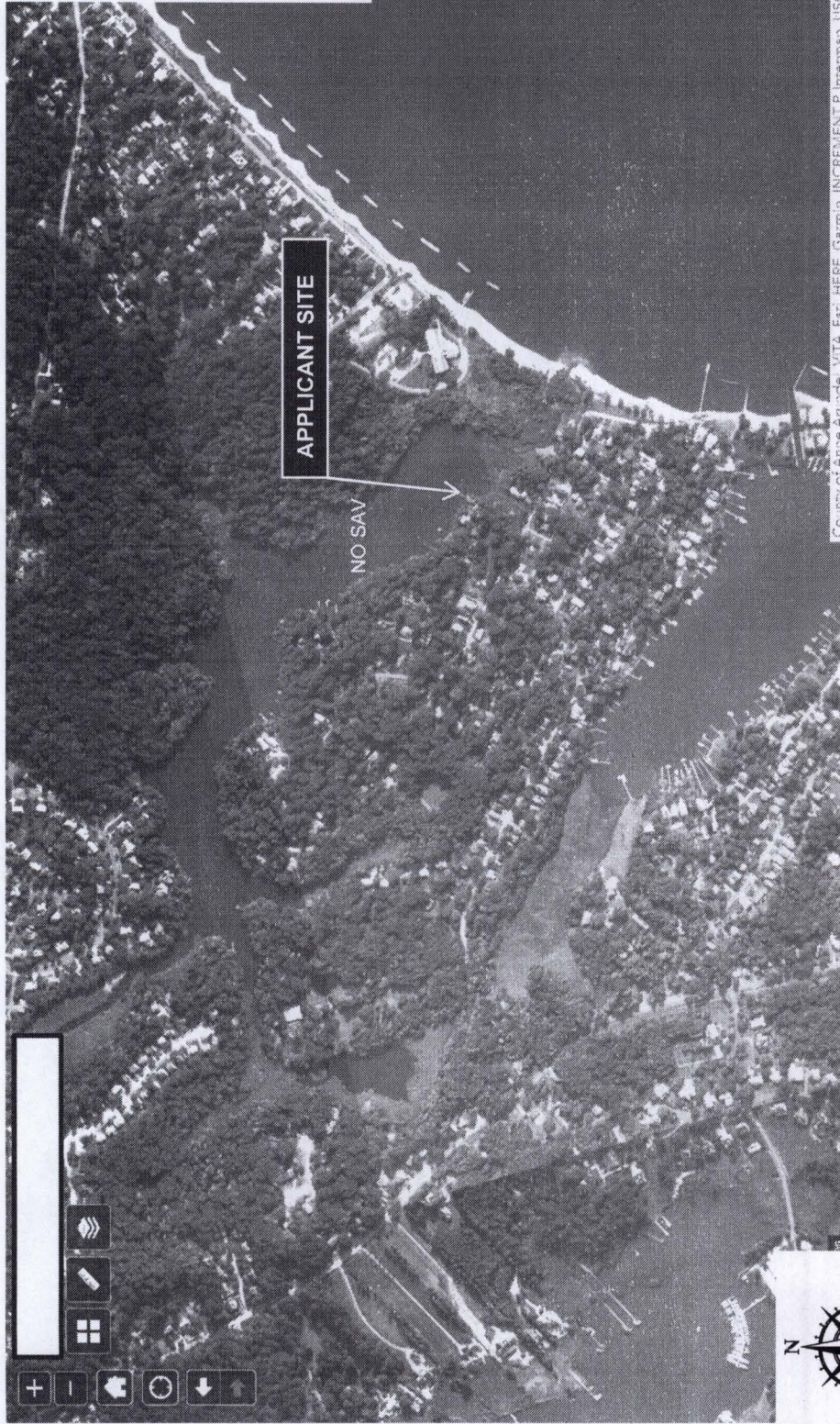
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MAP IS FROM VIMS SAV ECOLOGY,
MONITORING & RESTORATION
PROGRAM

NOTES:

1. MHW/MLWL SHOWN
ON DETAIL
2. PL EXT. SEE
PROPOSED PLAN
3. EBB/FLOOD ON PLAN
SHEETS



SAV/Project

Vicinity

SCALE: NTS

THIS DRAWING IS FOR PERMIT USE ONLY

BY: FETCH, LLC
574-E M RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

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DATE: 4-26-23
PAGE 2 OF 6

PROPOSED WORK:

PIER

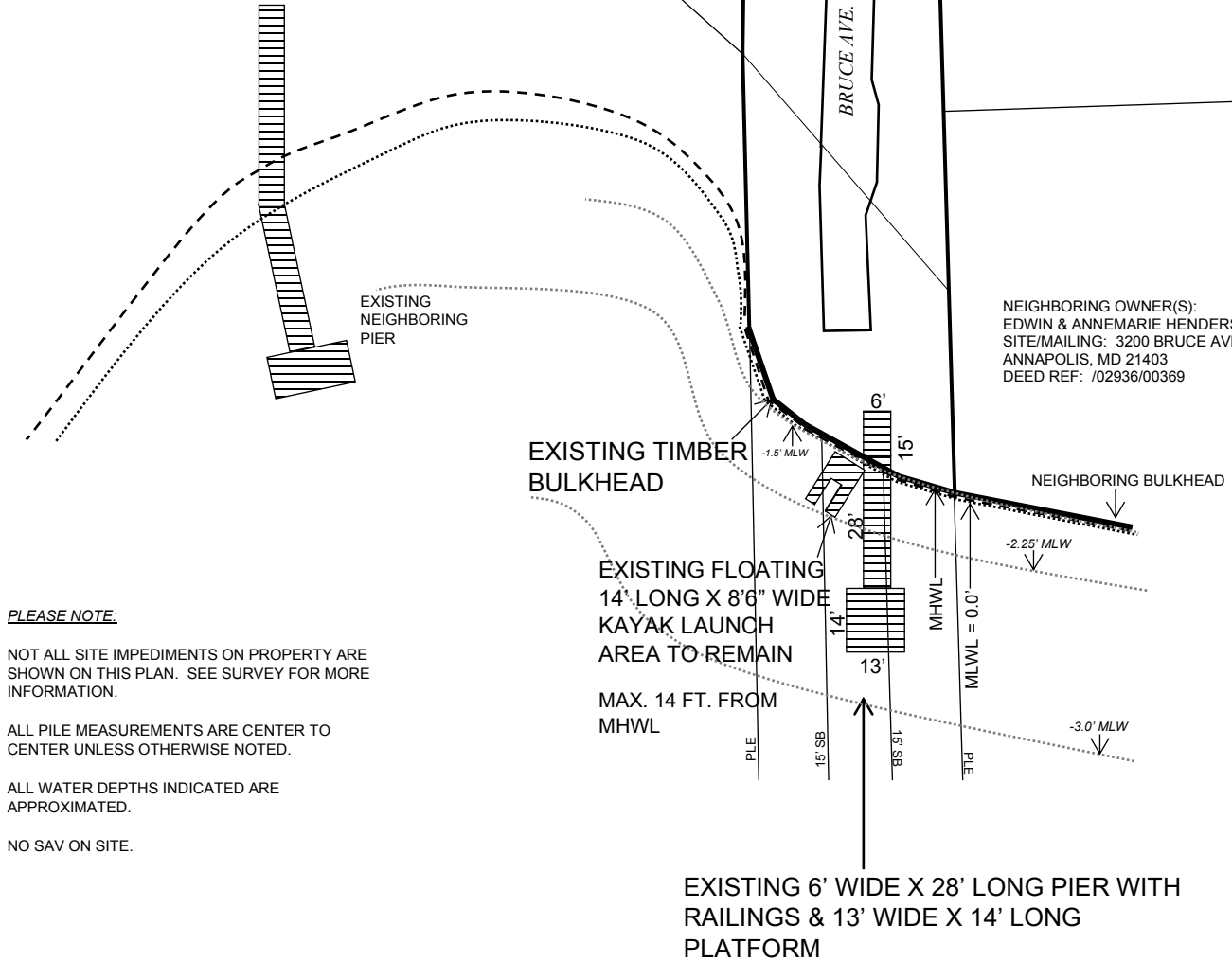
ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC PLATS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND NEIGHBORING PROPERTIES, AND DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM PROPERTY BOUNDARY SURVEY FOR CORRECT DELINEATIONS. PROPERTY LINE EXTENSIONS AND SETBACKS ARE APPROXIMATED.

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NEIGHBORING OWNER(S):
MICHELE HAGANS
SITE: 1326 BAY AVE.
ANNAPOLIS, MD 21403
MAILING: 1645 MYRTLE ST., NW
WASHINGTON, DC 20012
DEED REF: /25403/00022

APPLICANT:
TOWN OF HIGHLAND BEACH
SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369



PLEASE NOTE:

NOT ALL SITE IMPEDIMENTS ON PROPERTY ARE SHOWN ON THIS PLAN. SEE SURVEY FOR MORE INFORMATION.

ALL PILE MEASUREMENTS ARE CENTER TO CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE APPROXIMATED.

NO SAV ON SITE.

BLACKWALNUT CREEK



Existing Condition Plan

SCALE
1" = 40'

FETCH, LLC
574-E RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

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DEED REF:
PLAT REF.: 0001/0044
PROPERTY LAND AREA: 5.06 AC.
DATE: 8-25-23
PAGE 3 OF 6

PROPOSED WORK:
PIER

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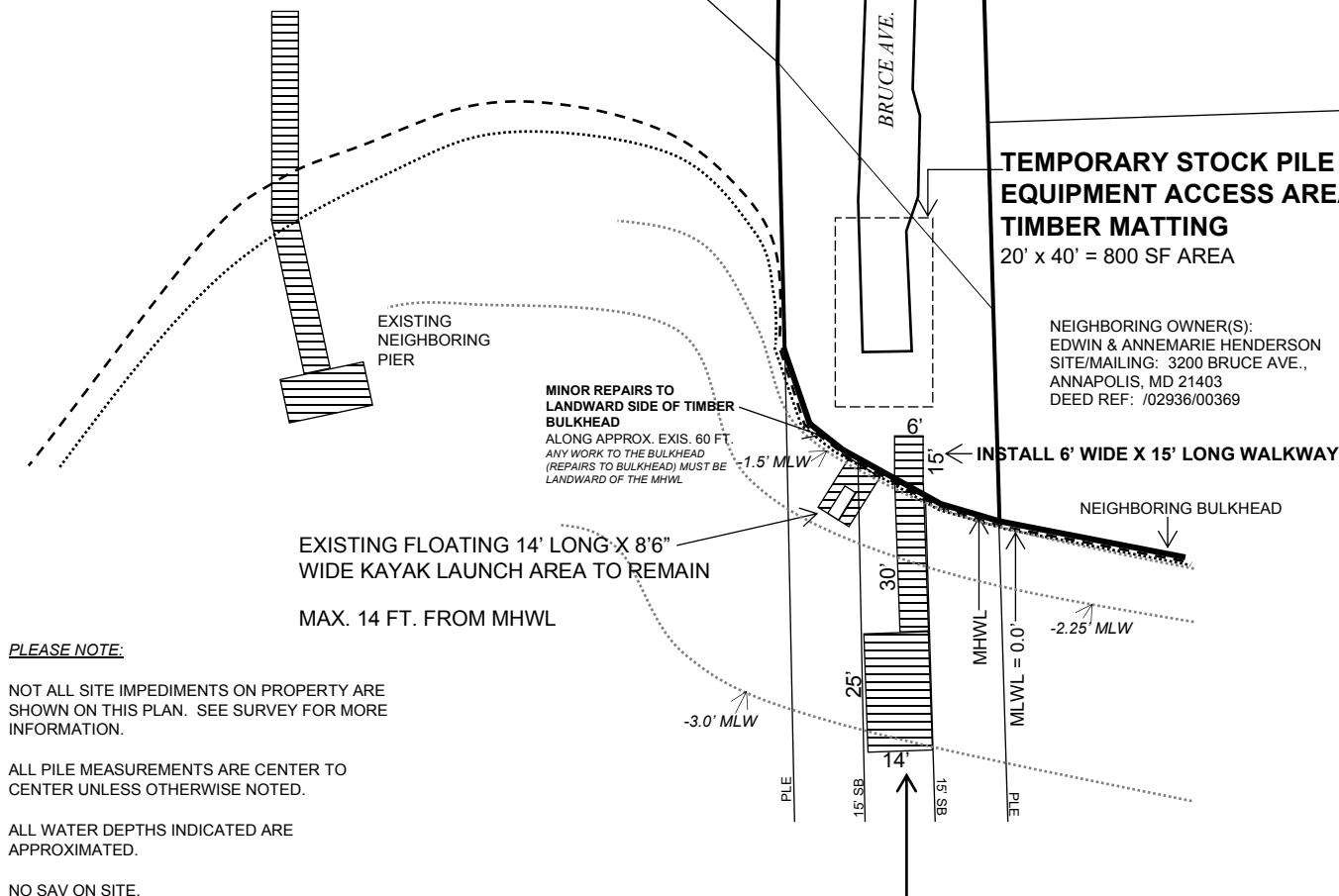
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HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

**TEMPORARY STOCK PILE AND
EQUIPMENT ACCESS AREA ON
TIMBER MATTING**
20' x 40' = 800 SF AREA

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369



PLEASE NOTE:

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ALL PILE MEASUREMENTS ARE CENTER TO CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE APPROXIMATED.

NO SAV ON SITE.

BOARDING LADDERS SHOULD BE INSTALLED BY THE OWNER ON THE SIDES OF THE PIER PER COUNTY REQUIREMENTS.

**INSTALL 6' WIDE X 30' LONG PIER
WITH RAILINGS & 14' WIDE X 25'
LONG PLATFORM**

MAX. 11 PIER & PLATFORM PILES

MAX. 55 FT. FROM MHWL

BLACKWALNUT CREEK



**Proposed
Condition
Plan**

SCALE
1" = 40'

FETCH, LLC
574-E RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

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ACCT. NUMBER: 05411500
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GRID: 15 PARCEL: 12
DEED REF:
PLAT REF.: 0001/0044
PROPERTY LAND AREA: 5.06 AC.
DATE: 8-25-23
PAGE 4 OF 6

PROPOSED WORK:
PIER

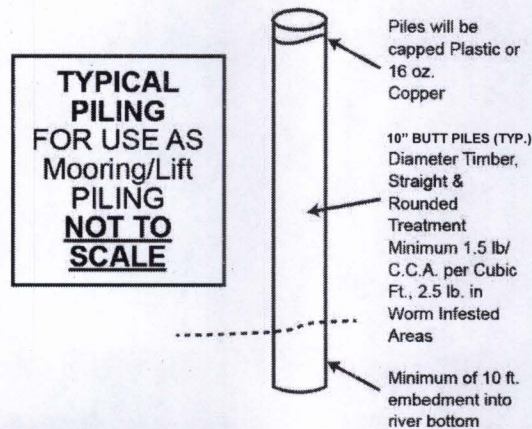
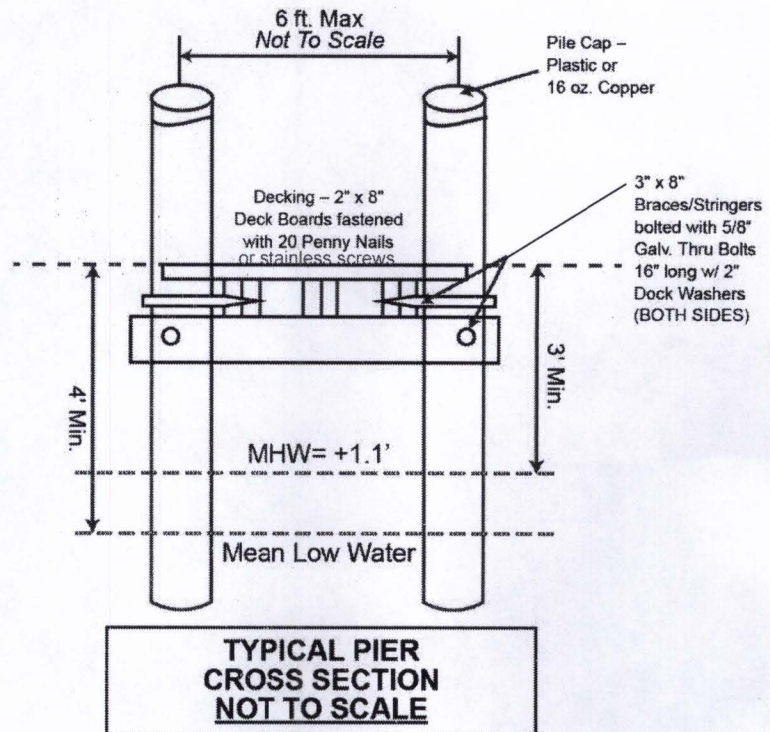
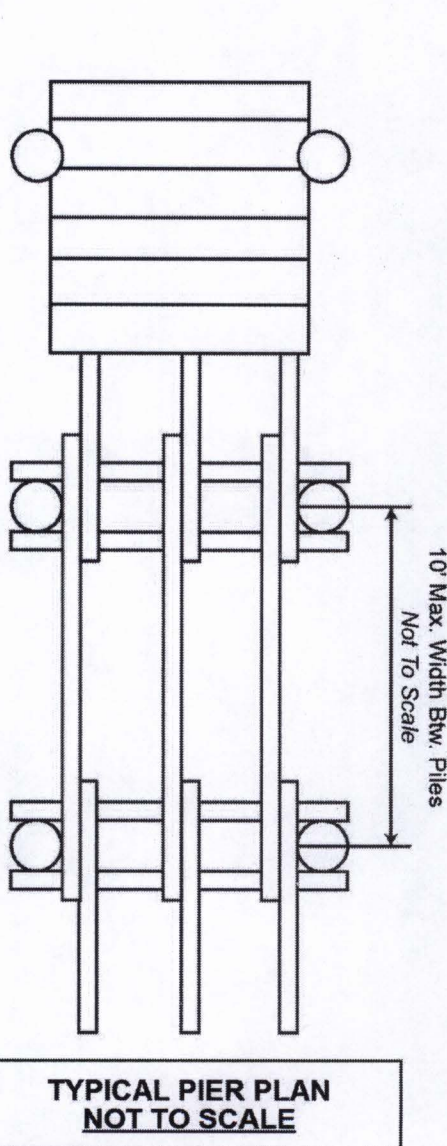
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CONSTRUCTION PLAN

TYPICAL FIXED PIER, WALKWAY, PLATFORM, PILE SPECS – NTS



PLEASE NOTE:

ALL SPECS SHOWN HEREIN ARE TYPICAL AND FOR PERMITTING PURPOSES ONLY. OWNER MUST CONFIRM SPECS WITH CONTRACTOR INCLUDING PILE LENGTHS, DIA. & HEIGHTS. THIS SPEC. IS TO BE USED AS A GUIDE ONLY AND IS NOT AN ENGINEERED DRAWING. AS BUILT DEVIATIONS MAY EXIST. RAILINGS TO BE INSTALLED ALONG THE SIDES OF THE PIER AND AROUND THE PLATFORM PER THE OWNE'S PREFERENCE.

PIER SPECS

SCALE
As Specified

BY: FETCH, LLC
574-E RITCHIE HWY.,
#273
SEVERNA PARK, MD
21146

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
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DATE: 4-26-23
PAGE 5 OF 6

PROPOSED WORK:

PIER

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mayor Crystal Chissell - Town of Highland Beach		File Number: NAB-2023-60858-M54	Date: 11/21/2023
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Frank Plewa, Appeals Coordinator
Telephone: (717) 249-2522
U.S. Army Corps of Engineers
Regulatory Branch, Baltimore District
2 Hopkins Plaza
Baltimore, Maryland 21201
General Number: 410-962-3670
Email: nab-regulatory@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Mr. Andrew Dangler
Regulatory Appeals Review Officer
U.S. Army Corps of Engineers
North Atlantic Division – Fort Hamilton
301 John Warren Avenue – First Floor
Brooklyn, New York 11252-6700
Mobile: (518) 487-0215

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



This notice of authorization must be
conspicuously displayed at the site of work.

United States Army Corps of Engineers

20²³

remove the existing community pier and associated walkway and install a new walkway, pier, and platform

A permit to _____

at _____
the end of Bruce Avenue, Highland Beach, Maryland 21403 (39.932095, -76.465401)

has been issued to _____ on _____
Mayor Crystal Chissell - Town of Highland Beach November 21 20²³

Address of Permittee _____
3243 Walnut Drive, Highland Beach, Maryland 21403

Permit Number

NAB-2023-60858-M54

for District Commander
Joseph P. DaVia
Chief, Maryland North Section
Regulatory Branch Enclosure 2
(Proponent: CECW-O)



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201-2930

COMPLIANCE SELF-CERTIFICATION

AUTHORIZATION NUMBER: NAB- 2023-60858-M54

Corps Project Manager: Zach Fry

Upon completion of the authorized work, sign this certification and return it to the address above or the following electronic mail address: nab-regulatory@usace.army.mil. Please include the following text in the email subject line: Compliance Certification Form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please complete the following information:

1. Date authorized work commenced: _____
2. Date authorized work completed: _____
3. Was all work completed in accordance with your authorization, including all general and/or specific conditions?
YES ☐ NO ☐
4. Explain in detail any deviations to the authorized work and/or compliance with conditions:
(use additional sheets if necessary)
5. If compensatory mitigation is required, please provide a status below:
6. Attach labeled photographs showing completed work.

____ I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said authorization.

____ I hereby certify that the work is NOT in compliance with the above referenced authorization as detailed in #4 above and would like to discuss this project with a project manager.

I can be reached at: (^{Zach}_{Fry}) 962 - 6080 _____.

Signature of Permittee

November 21

Date

2025-0088-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

06/06/2025

Assigned to

Melanie Mathews

Current Status

Complete w/ Comments

Action By

Melanie Mathews

Comments

The proposed work was previously reviewed under VARIANCE 2023-093-V. The critical area section of OPZ has no objections to the requested variance.

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

Due Date

06/06/2025

Assigned to Department

OPZ Critical Area

Status Date

06/06/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

410-222-6136

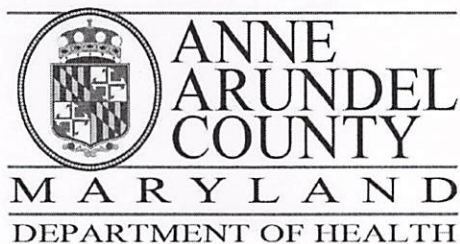
Review Notes

Reviewer Email

PZMATH20@aacounty.org

Reviewer Name

Melanie Mathews



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the "FROM" field.

DATE: May 28, 2025

RE: Highland Beach Property Owners Assoc.
3201 Bruce Ave.
Annapolis, MD 21403

NUMBER: 2025-0088-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a recreational pier on a lot with less width than required and not owned by a homeowner association and with less setbacks than required.

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

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


cc: Sterling Seay

Map Title



Legend


- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



04590ft

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

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2023-0093-V

TOWN OF HIGHLAND BEACH

SECOND ASSESSMENT DISTRICT

DATE HEARD: AUGUST 8, 2023

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: JOAN JENKINS

DATE FILED: AUGUST 24, 2023

PLEADINGS

Town of Highland Beach, the applicant, seeks a variance (2023-0093-V) to allow a recreational pier on a lot with less width than required, not owned by a homeowner's association and with less setbacks than required on property located at the northern end of Bruce Avenue, Highland Beach, MD 21403.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Lauren Heinsohn testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on August 8, 2023, in which witnesses were sworn and the following evidence was presented regarding the proposed variance requested by the applicant.

The Property

The applicant owns the subject property which has approximately 60 feet of shoreline frontage on Bruce Avenue, a 50-foot-wide right-of-way, approximately 260 feet northeast of Bay Avenue, Highland Beach, MD 21403 (Tax ID: 2411-0541-1500). It is identified as Parcel 203 in Block 15 on Tax Map 57 and a portion

of platted right-of-way in the Highland Beach subdivision. The property comprises 5.06 acres and is zoned R2-Residential District. This waterfront lot on Black Walnut Creek is designated in the Chesapeake Bay Critical Area as limited development area (LDA) and resource conservation area (RCA) and is mapped in a buffer modification area (BMA).

The subject property is currently developed with a recreational pier and platform and a floating kayak launch pier. Access to the site is via Black Walnut Creek or a 50-foot right-of-way known as Bruce Avenue.

The Proposed Work

The proposal calls to demolish the existing 42-foot-long pier (28' by 6') with a platform (14' by 13'), and with a 6' by 15' walkway, and replace it with a 55-foot long pier including a 25' by 14' platform and replacement of the 6' by 15' walkway. The floating kayak launching pier will remain, but will be moved slightly to the east.¹ All for the use of the residents of the Highland Beach subdivision as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 18-10-144(1) requires that a recreational pier shall extend from a lot owned by a homeowner's association and the lot shall be at least 60 feet wide at the road, 80 feet wide at the shoreline and not less than 20 feet wide at any point.

¹ The floating kayak launch pier is not attached to the land or the bulkhead, rather, it is supported by a PVC pole to the bottom of the creek bed. Approval from MDE is required, but Anne Arundel County does not regulate a structure that is not attached to the land or attached to a structure that is attached to the land with the exception of mooring pilings under the definition of pier.

The application requires a variance to the requirement of ownership by a homeowner's association as the parcel is owned by the Town of Highland Beach, a chartered municipality. Bruce Avenue is a 50-foot-wide right-of-way and the shoreline is 50 feet wide (with a meandering length of approximately 60 feet), requiring variances of 10 feet and 30 feet, respectively.

The Variances Requested

The proposed work will require the following zoning variances:

1. A zoning variance to the requirement in § 18-10-144(1) that a recreational pier be owned by a homeowner's association to allow the applicant to reconstruct the recreational pier as shown on County Exhibit 2; and
2. A zoning variance of 10 feet to the 60-foot-width requirement of § 18-10-144(1) to allow the applicant to construct the recreational pier from a lot that is 50 feet in width at the road as shown on County Exhibit 2; and
3. A zoning variance of 30 feet to the 80-foot-width requirement of § 18-10-144(1) to allow the applicant to construct the recreational pier from a lot that is 50 feet in width at the shoreline as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Joan A. Jenkins, a zoning analyst with OPZ, presented the following findings:

- The Highland Beach Property Owners Association owns roadways throughout the community. The County aerial photograph from 2023 shows the

recreational pier and the kayak launch pier and the surrounding properties. The proposed location of the pier extends from an area of roadway governed by the Town of Highland Beach. A pier can be seen as far back as 1952. The pier was elongated throughout the years and the platform appears between 1984 and 1988. The floating kayak launch pier can first be seen in aerials in 2018.

- The applicant writes that the current pier, platform and walkway are in need of replacement. The existing pier structure does not meet the 15-foot setback requirement under §18-10-144 of the conditional requirements for a recreational pier, however, the new pier has been designed to meet the setback on each side. The letter states that due to the unique shape and history of the property, compliance with all of the requirements is not possible. The property is owned by the Town of Highland Beach, a chartered municipality. SDAT lists the Highland Beach Property Owners Association as owning the roadways. The Mayor of the Town of Highland Beach explained the Town of Highland Beach governs the parcel, not a homeowner's association. The letter concludes by saying the Town will continue to govern and maintain rules for the use of the pier.
- OPZ has no objection to a recreational pier in this location. The location of the pier is being improved by locating it within the setbacks.
- Regarding the general variance standards, it is the opinion of OPZ that approval of the variance to the requirement that the lot be owned by a homeowner's association and the variances to lot width and roadway width

will not alter the essential character of the neighborhood as this site is an existing right-of-way and there has been a longstanding pier in this location. Approval of the variance will not substantially impair the appropriate use or development of adjacent property. The proposed improvements will meet all setbacks and the distance requirement to other piers. There is no evidence that the proposed improvements would impede navigability to/from any adjacent piers. The proposal will not be detrimental to the public welfare. The location of the pier with a platform is considered to result in the minimum variance necessary to afford relief.

- The Health Department and the Development Division (Critical Area Team) both have no objection to the request.
- Based upon the standards set forth in § 18-16-305, under which a variance may be granted, OPZ recommends approval of a variance to § 18-10-144(1) to allow a recreational pier on property not owned by a homeowner's association, with less width and less right-of-way than required, all as shown on the site plan.

Other Testimony and Exhibits

The applicant was represented at the hearing by Linda Newton who testified that she is a commissioner of the Town of Highland Beach. She was assisted by Lauren Heinsohn of Fetch, LLC. Evidence was presented that the existing recreational pier needs to be rebuilt. The proposed replacement pier meets all setbacks and other zoning requirements except that it is not owned by a

homeowner's association. It is owned by the Town of Highland Beach. A variance to § 18-10-144(1) is, therefore, required to rebuild the pier.

J. McGuire testified that he is a neighbor and wanted to find out what the Town was doing with the pier.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

Requirements for Zoning Variances

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. “Uniqueness” requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People’s Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People’s Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary’s County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (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, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variances

I find, based upon the evidence, that because of exceptional circumstances other than financial considerations, the grant of the variances is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. An argument could be made that § 18-10-144(1), by limiting recreational piers to homeowner associations, a variance to the homeowner's association requirement is not needed. Highland Beach's situation is not covered by the Code. However, since the general rule is that silence in the Code equals denial of what a property owner wants to do, a variance will be granted.

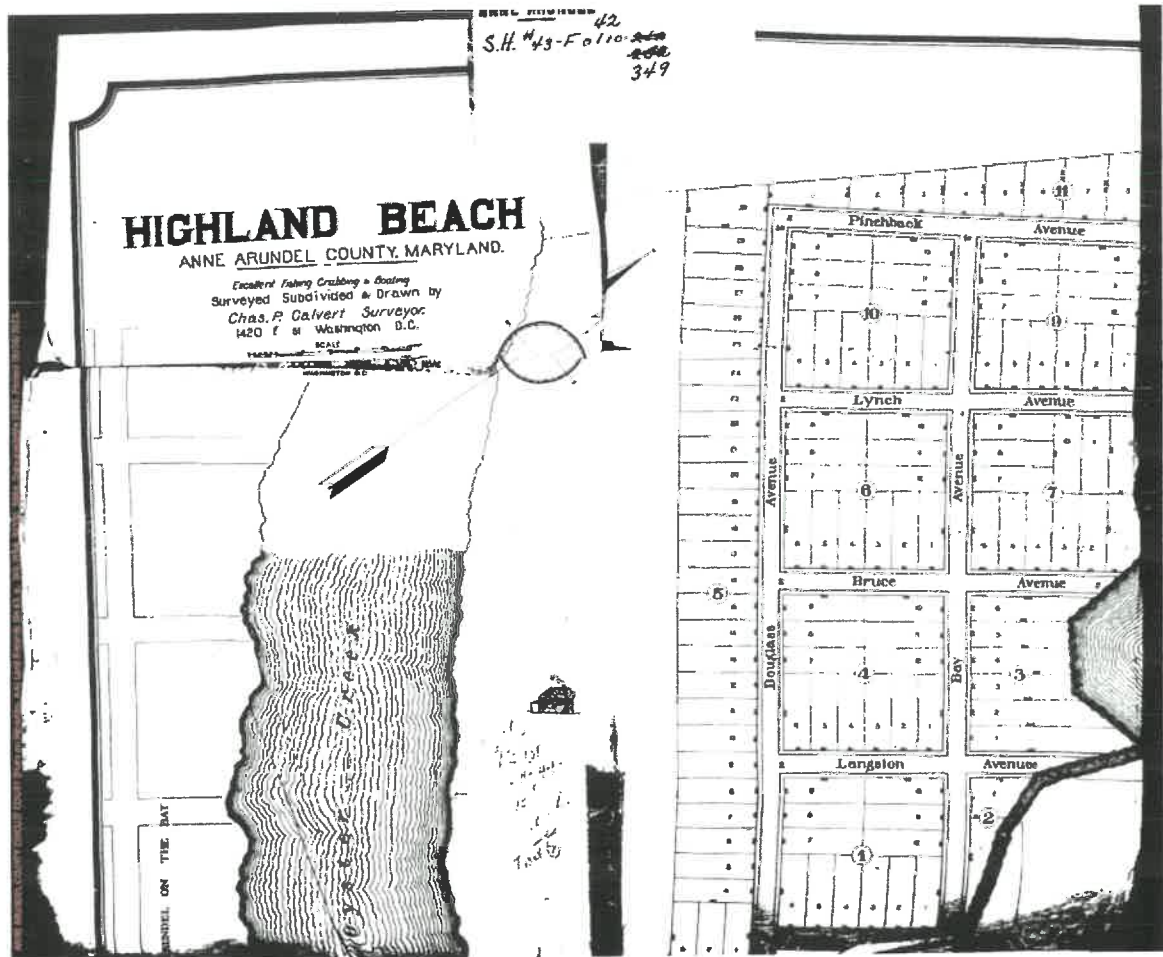
The latest aerial photography shows the pier that is the subject of this decision:



A separate argument could be made that the variance is not needed since the Town of Highland Beach was platted long before zoning came into effect in 1952. The subdivision of Highland Beach appears to have been platted in 1893 (Plat Book A, p. 1 MSA S1235-4850).



A second plat was filed in 1893 which shows the Bruce Avenue section on the fourth sheet of the “1893 Highland Beach, 40 acres, 2nd District, Brashears to Douglass” SH 43, p. 349 MSAS S1532-5884, p. 4:



In 1926, a revised plat of Highland Beach, which included Bruce Avenue, was filed on August 14: “Highland Beach, Revision, Plat 243; Plat Book 1, p. 44. MSA S1235-2926.



This area of Highland Beach was revised again in 1946: “Highland Beach, Washington Subdivision; Plat 794; Plat Book 19, p. 24. MSA C2081-820.



The above history may show the evolution and development of the Town of Highland Beach but not show how unique the Town is. For that, one must go to the Town's website to find out that it is Maryland's First African American Incorporated town. The following is taken from the Town's website - <https://www.highlandbeachmd.org/> - and is well-worth reading:

In 1892, Major Charles Douglass, youngest son of Frederick Douglass, and Charles' wife Laura, were turned away from a restaurant at the Bay Ridge Resort and Amusement Park because of their race. The resort was separated by a narrow channel—the

mouth of Black Walnut Creek—from property owned by the Brashears, a local black family. Crossing the channel, it was through a chance encounter between a member of the Brashears family and Charles and Laura Douglass that the origins of Highland Beach are rooted. After discussions over the next several months, and with financial assistance from his father, Charles Douglass worked out an arrangement to purchase a two-thirds interest in forty acres of the original forty-eight-acre Brashears estate from two of the heirs—Daniel Brashears and Georgianna Lane. In the spring of 1893, they settled on the purchase of twenty-six and two-thirds acres of land that would become Highland Beach. And almost a century later, in 1988, Highland Beach annexed the eight-acre Dr. John E. Washington tract.

By 1894, Douglass had built the first cottage, establishing a retreat for himself and others on the Chesapeake Bay. With 600 feet of beachfront, he turned it into a summer enclave for family and friends. Frederick Douglass—famed activist for abolition and women’s suffrage, orator, publisher, diplomat and adviser to President Abraham Lincoln, perhaps the most famous black man of his time, and one of the most photographed personalities in our nation’s history—would have become a resident had he not died in 1895 before the summer home, that his son Charles was building for him, was completed.

The Town of Highland Beach became a gathering place for educated blacks, including many of the well-known blacks of the time and later years. Among the residents and guests were—Paul Robeson, concert artist and stage and film actor famous for his cultural accomplishments as well as for his political activism; Judge Robert Terrell, who served as one of the first municipal court judges in

Washington, D.C., and his wife, Dr. Mary Church Terrell, one of the first African American women to earn a college degree, who became known nationally as an activist for civil rights and women's suffrage; Booker T. Washington, author, educator, orator, and advisor to U.S. presidents; Robert Weaver, who served as the first African American appointed to a cabinet position in the federal government as the U.S. Secretary of Housing and Urban Development; W.E.B. Du Bois, sociologist, historian, civil rights activist, and author; Paul Laurence Dunbar, poet, novelist, and playwright; Langston Hughes, poet, social activist, novelist, and columnist; E. Franklin Frazier, sociologist and author of the books *The Negro Family in the United States* (1939), and *Black Bourgeoisie* (1957); and later, author Alex Haley, perhaps most famously known for his ground-breaking book *Roots: The Saga of an American Family* (1976), that became a national sensation as a television production.

When Highland Beach was incorporated in 1922, it became the first African American municipality in Maryland. It is also believed to be the first African American summer resort in the United States. Although founded as a summer resort, it is now a town of both summer and year-round residents who choose not to permit commercial establishments. There are approximately 80 homes, many of them still owned and occupied by descendants of the original settlers. The residents are proud and protective of their town's heritage, established by proud and successful people determined to overcome the prejudices of their post-Reconstruction times. Highland Beach is the home of Twin Oaks, which now serves as the Frederick Douglass Museum and Cultural Center, Inc.

Highland Beach is bordered on the north by Black Walnut Creek and the community of Bay Ridge, on the east by the Chesapeake Bay, and on the south by Oyster Creek and the community of Venice Beach. Our beachfront is for the benefit of Highland Beach and Venice Beach residents and their guests (provided they have a guest pass).

Denying the requested variances would undoubtedly cause the Town of Highland Beach an unwarranted hardship. The variances will be granted.

I further find that the requested variances are the minimum variances necessary to afford relief, 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, reduce forest cover in the limited development and resource conservation areas of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of Town of Highland Beach, petitioning for a variance to allow a recreational pier on a lot with less width than required, not owned by a homeowner's association and with less setbacks than required on property located at the northern end of Bruce Avenue, Highland Beach, MD 21403;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **24th day of August, 2023**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted**:

1. A zoning variance to the requirement in § 18-10-144(1) that a recreational pier be owned by a homeowner's association to allow the applicant to reconstruct the recreational pier as shown on County Exhibit 2; and
2. A zoning variance of 10 feet to the 60-foot-width requirement of § 18-10-144(1) to allow the applicant to construct the recreational pier from a lot that is 50 feet in width at the road as shown on County Exhibit 2; and
3. A zoning variance of 30 feet to the 80-foot-width requirement of § 18-10-144(1) to allow the applicant to construct the recreational pier from a lot that is 50 feet in width at the shoreline as shown on County Exhibit 2.

The foregoing variances are subject to the following conditions:

- A. The applicant shall comply with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.
- B. The applicant shall comply with any instructions and necessary approvals from the Maryland Department of the Environment and the United States Army Corps of Engineers.

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and/or the Department of Inspections and Permits.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

This Order does not constitute a building permit. In order for the applicant to perform the work permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicant **within 18 months** of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

NEIGHBORING OWNER(S):
MICHELE HAGANS
SITE: 1326 BAY AVE.
ANNAPOLIS, MD 21403
MAILING: 1645 MYRTLE ST., NW
WASHINGTON, DC 20012
DEED REF: /25403/00022

APPLICANT:
TOWN OF HIGHLAND BEACH
SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403
MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

**TEMPORARY STOCK PILE AND
EQUIPMENT ACCESS AREA ON
TIMBER MATTING**

20' x 40' = 800 SF AREA

NEIGHBORING OWNER(S):
EDWIN & ANNEMARIE HENDERSON
SITE/MAILING: 3200 BRUCE AVE.,
ANNAPOLIS, MD 21403
DEED REF: /02936/00369

EXISTING
NEIGHBORING
PIER

INSTALL 6' WIDE X 15' LONG WALKWAY

NEIGHBORING BULKHEAD

EXISTING FLOATING
14' LONG X 8'6"
WIDE KAYAK
LAUNCH AREA TO
REMAIN

**INSTALL 6' WIDE X 30' LONG PIER
WITH RAILINGS & 14' WIDE X 25'
LONG PLATFORM**

PLEASE NOTE:

NOT ALL SITE IMPEDIMENTS ON PROPERTY ARE
SHOWN ON THIS PLAN. SEE SURVEY FOR MORE
INFORMATION.

ALL PILE MEASUREMENTS ARE CENTER TO
CENTER UNLESS OTHERWISE NOTED.

ALL WATER DEPTHS INDICATED ARE
APPROXIMATED.

NO SAV ON SITE.

BOARDING LADDERS SHOULD BE INSTALLED BY
THE OWNER ON THE SIDES OF THE PIER PER
COUNTY REQUIREMENTS

CO. EXHIBIT#: 2
CASE: 2023-0093-V
DATE: 8/8/23

BLACKWALNUT CREEK



**Proposed
Condition
Plan**

SCALE
1" = 40'

FETCH, LLC
574-E RITCHIE HWY., #273
SEVERNA PARK, MD 21146
410-756-0885

APPLICANT/OWNER:
TOWN OF HIGHLAND BEACH

SITE ADDRESS:
END OF BRUCE AVE.
HIGHLAND BEACH, MD 21403

MAILING ADDRESS:
3243 WALNUT DR.
HIGHLAND BEACH, MD 21403

PROPERTY DETAILS:

DISTRICT: 02
SUBDIVISION: 411
ACCT. NUMBER: 05411500
LOT(S): --- MAP: 57
GRID: 15 PARCEL: 12
DEED REF:
PLAT REF.: 0001/0044
PROPERTY LAND AREA: 5.06 AC.
DATE: 4-26-23
PAGE 4 OF 6

PROPOSED WORK:
PIER

ALL OF THE INFORMATION INCLUDED IN THIS PLAN IS
FROM FIELD NOTES, AVAILABLE PLANS, AND PUBLIC
PLATS. DIMENSIONS ABOVE APPROXIMATE. THIS PLAN IS
NOT TO BE CONSIDERED A BOUNDARY SURVEY, AND
DOES NOT INCLUDE EXISTING IMPEDIMENTS ON SITE OR
NEIGHBORING PROPERTIES. OWNER SHOULD PERFORM
PROPERTY BOUNDARY SURVEY FOR CORRECT
DELINATIONS. PROPERTY LINE EXTENSIONS AND
SETBACKS ARE APPROXIMATED.

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THIS PLAN IS THE SOLE PROPERTY OF FETCH, LLC, WHICH
OWNS THE COPYRIGHT TO THE USER THE PLAN. NO
PERSON OR ENTITY MAY USE ALL OR ANY PART OF THE
PLAN, INCLUDING THE OWNER OF THE PROPERTY SHOWN
ON THE PLAN, OR ANY THIRD PARTY, EXCEPT FOR THE
EXPRESS PURPOSE OF APPLYING FOR PERMITS TO
PERFORM THE WORK DESCRIBED IN THE PLAN.