

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

Updated Letter of Explanation"

May 26 , 2025

ANNE ARUNDEL COUNTY VARIANCE REQUEST

Carolyn Bolognese

133 Island View Dr

Annapolis, MD 21401

Tax Account: 2154-1042-4400

Map: 50 Parcel: 76 Lot: 214 Subdivision: Cape St. John

I. Proposed Variance to Anne Arundel County Code 18-2-404 Section (b)

- 1) (b) A pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier:

Requested 1st Variance: Proposed 15' Variance to the required 15' Eastern Setback to construct a 6' wide by 70' long pier.

Requested 2nd Variance: Proposed 14' Variance to the required 15' Western setback for two boat lift pilings.

Requested 3rd – Variance: Proposed 0'-3' by 19' (30 sq. ft.) Triangle Shaped Pier Area outside of Property Line Extension to Point of Cove.

II. Carolyn Bolognese "Applicant" seeks relief from the portions of the above Anne Arundel County Code for the following reasons:

- 1) **The Applicant Carolyn Bolognese (Lot 214) seeks a pier similar to piers on both existing adjacent properties.**
- a) Michael Bolognese, (Lot 215), the adjacent owner to the East the Applicant (133 Island View Dr.), has an existing +/- 6' wide by +/- 75' long pier with two mooring

pilings on the East side of neighbor' pier. Mr. Michael Bolognese has area for two boat slips (one on either side of his pier).

- b) Keith & Brooke Wegner (Lot 213R), the adjacent owner to the West, have an existing +/-6' wide pier +/-75' Long Pier with two mooring piles and a boat lift. Additionally, the Weger's have obtained a variance (2025-0032-V) for two additional piles on the East side of their pier for a boat lift to be located (adjacent to Carolyn Bolognese proposed pier). A settlement agreement between Carolyn Bolognese and Keith & Brooke Wegner regarding certain disputed riparian rights (Anne Arundel County case C-02-CV-22-001863) has been recorded in the Anne Arundel County Courthouse in Book 40831 Page 260. As shown on the page 7 of the application, the proposed Bolognese pier, and boat lift pilings will not interfere with the Wegener's variance approved boat lift and agrees with the aforementioned settlement between the parties.

2) The Bolognese lot is unique because of its narrowness along the waterfront.

The Bolognese lot is the only lot on this portion of the creek without a pier and dockage for space for two vessels. See Exhibit 7.

- a) The Cape St. John Community Association has +/- 75 feet waterfrontage and has an existing pier.
- b) The Millman (Lot 212R) has +/- 35' of waterfrontage and has an existing pier.
- c) The Wegner (Lot 213R), the adjacent property to the West of the Bolognese (Lot 214) has an undetermined amount of waterfrontage which is believed to be no less than +/-70' and has an existing pier.
- d) The Michael Bolognese (Lot 215) adjacent property to East of the Bolognese Lot has +/-65 feet of waterfrontage and has an existing pier.
- e) Due to its unique orientation on the cove, The Bolognese Lot has approximately 25.5' to 27.5 feet of waterfrontage on Gingerville Creek. David Green surveyed the 27.5 distance in June 2022. Steve Jupitz, using the Green property survey as a base, determined the location of the point of cove and determined the property line extended for used to obtain Wegner pier permit BO2412985. This is the extended line used for approved Wegner Variance 2025-0032-V. The Green Survey was also used to determine to be the "Dividing Line Extension" between the Bolognese and the Wegner properties per a settlement agreement per case C-02-CV-22-001863.
- f) *An updated survey prepared by licensed surveyor Steve Jupitz is included with this revised submittal. The Proposed Bolognese variance request conforms to the*

updated (most recent) survey which shows slightly less waterfrontage than prior surveys.

- 3) **The applicants Lot 214 (Bolognese) predates zoning code and was created prior to 1952.** The subject property was granted to Theodore A. Segrist dated November 16, 1951, and recorded in the land records of Anne Arundel County Book 656 page 68.
- 4) **Denial of the Bolognese Variance would be a denial of the same rights and privileges enjoyed by both adjacent property owners and also all other properties located in this section of Gingerville Creek.**

III. History of Property disputes among 5 parcels on this portion of Gingerville Creek.

On November 10, 1981, and on September 29, 1981, settlement agreement(s) were recorded at the Anne Arundel County Courthouse in Book 3469 Page 890 and Book 3475 Page 313 that quieted title to the following waterfront properties: Part of Parcel 76, (Cape St. Johns Citizens Association Inc.), Lot 212R (Millman), Lot 213R (Wegner), Lot 214 (Carolyn Bolognese "Applicant". Lot 215 Michael Bolognese (does not appear to be a part of any legal dispute.

In 2022, a legal dispute arose (Case C-02-CV-22-001863) between the Owners of Lot 213R (Wegner) and Lot 214 (Bolognese "the applicant") over, among other things, the legality of prior settlements, riparian rights, and access to a pier located on Lot 213R (Wegner).

The litigation between the Wegner & Bolognese was settled on October 8, 2024. As part of the Settlement, it was agreed that both parties could make certain pier and boat lift improvements on their respective properties inside a certain property dividing line. This "Property Dividing Line Extended" is shown in the enclosed Exhibit 10. Per the Settlement Agreement, the Parties agreed that the Weger and Bolognese piers could be "No closer than 28' apart" (leaving each property with a maximum of 14' of space for a boat lifts/slip). The Wegner's approved boat lift per Variance 2025-0032 locates the Wegner boat lift at 14' which is 1' inside the Wegner's 15' property line set back.

It is important to note that the location of the Wegner Setbacks per Permit (B0240557) was determined by survey prepared by licensed surveyor David Green dated 6/1/22. Moreover, this "Green Survey" was used by mutual agreement between both Wegner & Bolognese for the Wegner Permit. Steve Jupitz later used the Green survey to locate the point of cove and determine the setback delineation. Using the Green Survey avoided a dispute over the location of the property joint property line dividing the two properties. (See Exhibit 11).

As a result of the long history of disputes regarding the properties in this portion of the cove, and due to the changing nature (erosion & accretion) of the Mean High Water Line (MHL), CBE recommended the Bolognese obtain an updated (more recent) MHW Survey closer to the date of the Bolognese variance application.

Enclosed with this submittal is the updated survey prepared by licensed surveyor, Steve Jupitz and sealed May of 2025. The Jupitz survey determined that the length of the waterfrontage of the Bolognese property at 133 Island View Dr. to be 25.5'. (See Exhibit 12).

Please note that a prior survey prepared by Survey Associates (licensed surveyor David Green) determined the length of the water frontage of the Bolognese property at 133 Island View Dr. to be 27.50' (7.28'+20.22'). (See Exhibit 11).

The difference between the updated Jupitz & former Green survey at the intersection of the property line and MHW is 2.00.' When the Bolognese Property (updated Jupitz) Line is extended from the MHW to the Point of Cove, the line narrows to approximately +/- 1.0 at the location of the landward pilings of both parcels boat lifts. Additionally, the Wegner variance approval shows a 1' setback from the "Agreed Property Dividing Line". Therefore, the space between the Bolognese boat lift piles and Wegener boat lift piles results a +/- 2' of separation (or adequate room) for the boat lift piles to be constructed between two properties.

In other words, the Proposed Bolognese 12' Boat lift is located with a 2' separation from the approved Wegner boat lift piles (per 2025-0032-V) and the Proposed Bolognese boat lift piles (per 2025-0058-V).

Please note that the proposed Bolognese Boat lift is 12' wide, which is 2' less than the 14' wide lift approved for the Wegner's and is less than the maximum 14' permitted in the Recorded Settlement Agreement Book 40831 Page 260. 12' is the minimum necessary for relief.

Please note that the exhibit recorded per the Settlement Agreement Site Plan Book 40831 page 263 is an estimated graphical interpretation. The proposed variance plans are highly accurate and in order to meet the intent of the settlement the applicant must, in addition to two setback variances, obtain a 30 sq ft Variance at the end of the Channelward end of the pier where the pier extends 3' beyond the property line extended to the "Point of Cove".

Please note that all properties West and East of the Bolognese property have piers with a minimum space for two boats (one on each side of their pier) . The Bolognese is the only property on this portion of Gingerville Creek without a pier. The Bolognese proposed boat lift is 12' wide is 2' less than the boat lift approved at the Wegner's. There is a 2' space between the space between the Bolognese piles and Wegner piles to mitigate any possibility of contractor error in installing the proposed pilings. The Bolognese are willing to install their pier and pilings under the supervision of a licensed survey to avoid contractor error.

Denying pier for the Bolognese would be an unwarranted hardship and deny the Bolognese of the riparian rights enjoyed by all other waterfront property owner's in the Creek.

The Bolognese pier meets the general spirit and intent of the Settlement Agreement between the two neighbors. However, the Bolognese Boat lift is to be 12' Wide.

The Bolognese proposed pier is 4' landward of a line between the pier at 135 Island View Dr. (Wegner) and 131 Island View Dr. (Michale Bolognese).

IV. The following attachments were previously submitted with the Prefile Application:

- 1) Proposed Variance - Administrative Site Plan.
- 2) Topographical Map..
- 3) Zoning Boundaries.
- 4) Critical Area
- 5) Vegetated Areas: +/-3,676 sq ft of Trees & +/-2,467 sq ft of Shrubs
Impervious Area: +/-3,658sq ft.
- 6) Vicinity Map.
- 7) Existing Pier Structures along the waterfront in Gingerville Creek..
- 8) Property Owner's Deed.
- 9) List of Property Owners within 300.'
- 10) Settlement Exhibit showing agreed property extension dividing line.

V. The following is additional document submitted with this "Updated Letter of Explanation"

- 11) Survey Associates Survey Sealed by David Green (Bolognese Property 2022)
- 12) Sealed Steve Jupitz Survey (Bolognese Property 2025)

VI. **Critical Area Report : For property in the Chesapeake Bay Critical Area**

1) Topographic map Exhibit 2

2) A paragraph or less addressing each point listed below:

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

Response: The existing proposed use is residential R2 waterfront-Critical Area IDA.

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

Response: There is +/- 3,676 square feet of existing native trees and 2,467 square feet of native shrubs. There is no proposed disturbed area and no proposed additional lot coverage. There is no proposed mitigation. The lot conforms to the lot coverage standards of Anne Arundel County.

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

Response: There are no negative impacts to water quality. The proposed variance if permitted as requested will have no impact on water quality provided the pier is approved at the requested length. A shorter pier will result potential disturbance of Shallow Water Habitat.

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

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

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

e) **Additional Statements:**

- a) ***There are no habitat protection areas on site.***
- b) ***There are no expanded buffers on site.***
- c) ***All steep slopes are located within the 100' buffer.***
- d) ***There are no waterbird nesting sites, no historical waterfowl staging area, no riparian forests, no natural heritage area, and no plant and wildlife habitats of local significance.***
- e) ***No wetland vegetation is to be removed.***

(3) the granting of a variance will not confer on an applicant any special privilege that would be denied by: (i) COMAR, Title 27, or the County critical area program to other lands or structures within the County critical area.

The applicant meets the spirit and intent of COMAR and Anne Arundel County provisions for granting of the variance request. If granted, all property owners on the creek shall have similar riparian entitlements accessing the waterway.

(4) that the variance request:

- (i) is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance was filed.

Response: Acknowledged – no structures have been constructed

(5) that the granting of the variance:

- (i) will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area.

Response: The pier is designed for the moorage of vessels in deep water outside of shallow water habitat.

- (ii) will be in harmony with the general spirit and intent of the County critical area program and enables all properties in this portion of Gingerville Creek to have a pier

Response: CBE believes the variance request meets the general intent of the Critical area program. The Variance, if granted will not deny (Carolyn Bolognese) her riparian right to the waterway and will eliminate the one property remaining without a pier.

(e) Required findings.

CBE believes that the Proposed Pier

(1) Is the minimum variance necessary to afford relief.

(2) The granting of the variance will not:

- (i) alter the essential character of the neighborhood or district in which the lot is located.
- (ii) substantially impair the appropriate use or development of adjacent property.
- (iii) reduce forest cover in the limited and resource conservation areas of the critical area.
- (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or bog protection area; or
- (v) be detrimental to the public welfare.

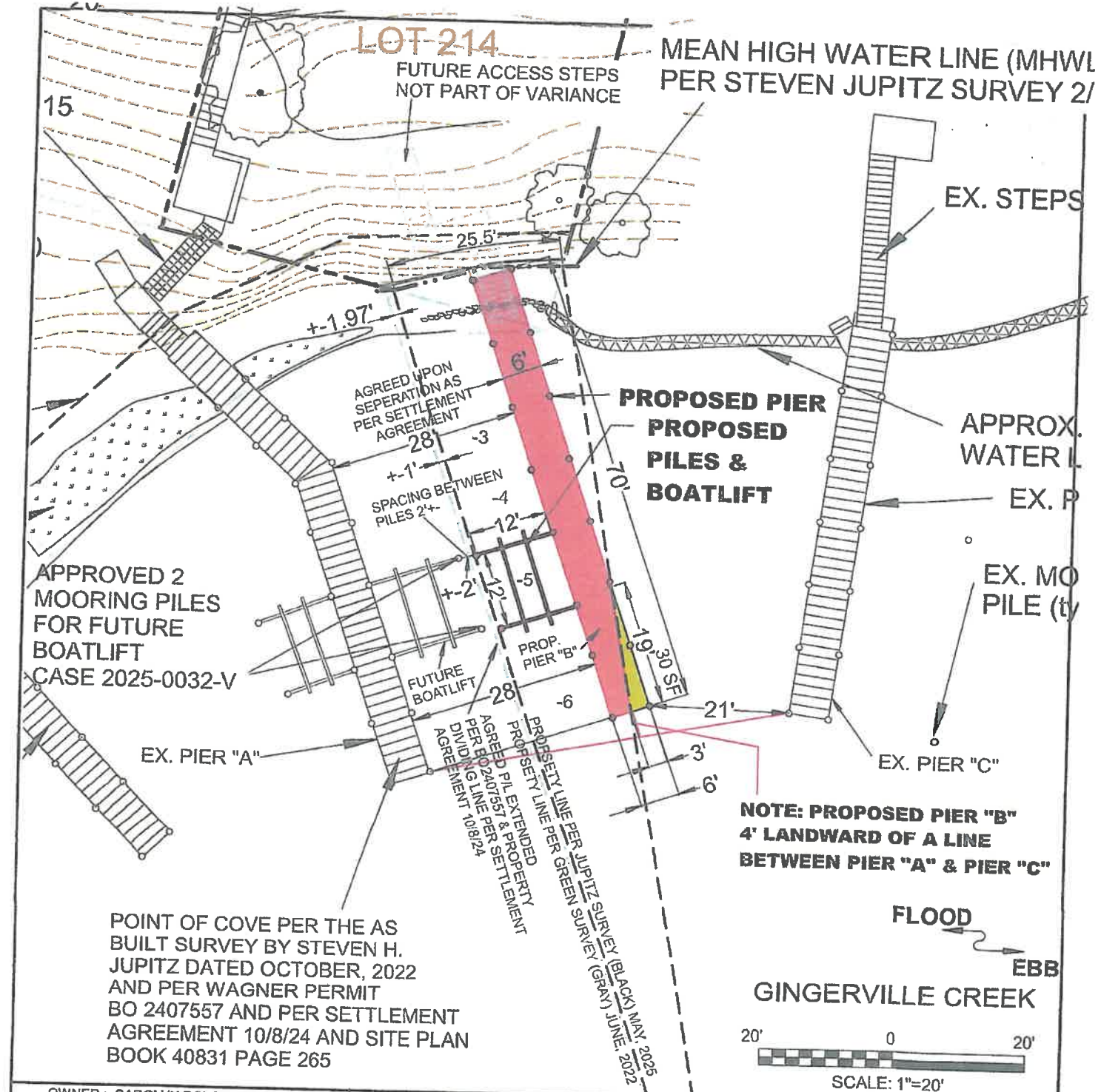
In closing, The Bolognese property is unique in that it is the narrowest of the lots on this portion of the cove, which restricts the available space for a pier and boat lift (2 pilings) and complicates the owners access and use of their waterfront. The property has an irregular curved shoreline resulting in a small wedge shaped buildable area over the water which creates a practical difficulty in accommodating piers and boat lifts/slips. The variance, if approved, will not substantially impair the use or development of either adjacent properties, or impact navigation or use the use and enjoyment of the adjacent lots and will not alter the essential character of the neighborhood. Approval of the pier and pilings to install a boat lift serves two purposes. One it creates a 12' wide slip width boundary preventing a boat with a beam in excess of 12' wide on being moored on the applicants pier which may aggravate the neighbor by encroaching over an agreed upon property dividing line. Second, boatlifts are favored by environmentalist and government review agencies because a boatlift keeps boats out of the water, reducing the deterioration of the bottom paint and possible degrading water quality.

For all the aforementioned reasons, the Bolognese respectfully request that the proposed variance be approved.

If County staff has any questions or comments or would like to have additional information please contact me.

Respectfully submitted,

David T. Phipps,
Chesapeake Bay Environmental
443-852-1047
dtphipps@gmail.com



OWNER : CAROLYN BOLOGNESE
 MAILING ADDRESS: 133 ISLAND VIEW DR.
 ANNAPOLIS, MD 21401
 SITE ADDRESS: 133 ISLAND VIEW DR.
 ANNAPOLIS, MD 21401

MAP: 50 GRID: 24 PARCEL: 76 SEC F LOT 214
 DEED REFERENCE: 30809 / 00080
 DISTRICT - 02 TAX# - 10424400
 ZONING: R2 CRITICAL AREA - IDA

NOTES:

PROPOSED VARIANCE PLAN

IN: GINGERVILLE CREEK
 TOWN: ANNAPOLIS
 COUNTY: ANNE ARUNDEL
 STATE: MARYLAND
 APPL. BY: CAROLYN BOLOGNESE
 133 ISLAND VIEW DR.
 ANNAPOLIS, MD 21401

DATE: MAY 26, 2025

DRAWING 7

CHESAPEAKE BAY ENVIRONMENTAL
 ENVIRONMENTAL CONSULTING & PLANNING
 2818 SOLID ROCK ISLAND RD.
 EDGEWATER, MD 21037
 443-852-1047
 DTPHPPS@GMAIL.COM

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
50	76	24	214	F

Tax ID: 2154 - 1042 - 4400

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Bolognese Pier & Boat Lift

Project location/Address 133 Island View DR

City Edgewater Zip 21037

Local case number

Applicant: Last name Bolognese First name Carolyn

Company Chesapeake Bay Environmental
443-852-1047 dthipps@gmail.com

2818 Solomon Island Rd Edgewater, MD 21037
Application Type (check all that apply):

Building Permit ☐
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☐

Variance ☐
Rezoning ☐
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☒

Pier Variance

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Residential Property Request Variance for Residential Pier w/ Boatlift (2 mooring piles for lift)
--

Intra-Family Transfer ☐
Grandfathered Lot ☐

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☒
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	.27	11,800
LDA Area		
RCA Area		
Total Area	.27	11,800

Total Disturbed Area

Acres	Sq Ft
0	0

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	.084	3,676	Existing Lot Coverage	.083	3,658
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
Shrubs	.056	2,467	Total Lot Coverage	.083	3,658

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

Buffer ☐
Forest Clearing ☐
HPA Impact ☐
Lot Coverage ☐
Expanded Buffer ☐
Nontidal Wetlands ☐
Setback ☒
Steep Slopes ☐
Other ☒

PIER

SETBACK FOR
Pier

Structure

Acc. Structure Addition ☐
Barn ☐
Deck ☐
Dwelling ☐
Dwelling Addition ☐
Garage ☐
Gazebo ☐
Patio ☐
Pool ☐
Shed ☐
Other ☒

Pier

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

CRITICAL AREA NARRATIVE

March 31, 2025

ANNE ARUNDEL COUNTY VARIANCE REQUEST

Carolyn Bolognese

133 Island View Dr

Annapolis, MD 21401

Tax Account: 2154-1042-4400

Map: 50

Parcel: 76

Lot: 214

Subdivision: Cape St. John

I. **Critical Area Report : For property in the Chesapeake Bay Critical Area**

1) Topographic map See Exhibits

2) A paragraph or less addressing each point listed below:

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

Response: There are no negative impacts to water quality. The proposed variance if permitted as requested will have no impact on water quality

provided the pier is approved at the requested length. A shorter pier will result potential disturbance of Shallow Water Habitat.

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

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

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Response:

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(3) the granting of a variance will not confer on an applicant any special privilege that would be denied by: (i) COMAR, Title 27, or the County critical area program to other lands or structures within the County critical area.

The applicant meets the spirit and intent of COMAR and Anne Arundel County provisions for granting of the variance request. If granted, all property owners on the creek shall have similar entitlements accessing the waterway.

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(v) be detrimental to the public welfare.

If County staff has any questions or comments or would like to have additional information please contact me.

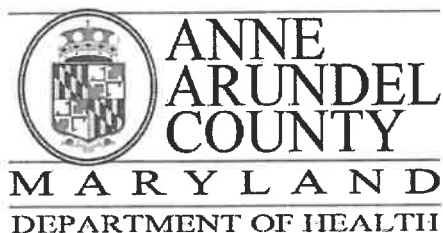
Respectfully submitted,

David T. Phipps,

Chesapeake Bay Environmental

443-852-1047

dtphipps@gmail.com



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 black ink, appearing to be "BC", written over the printed name of Brian Chew.

DATE: May 29, 2025

RE: Carolyn J. Bolognese
133 Island View Drive
Annapolis, MD 21401 .

NUMBER: 2025-0058-V

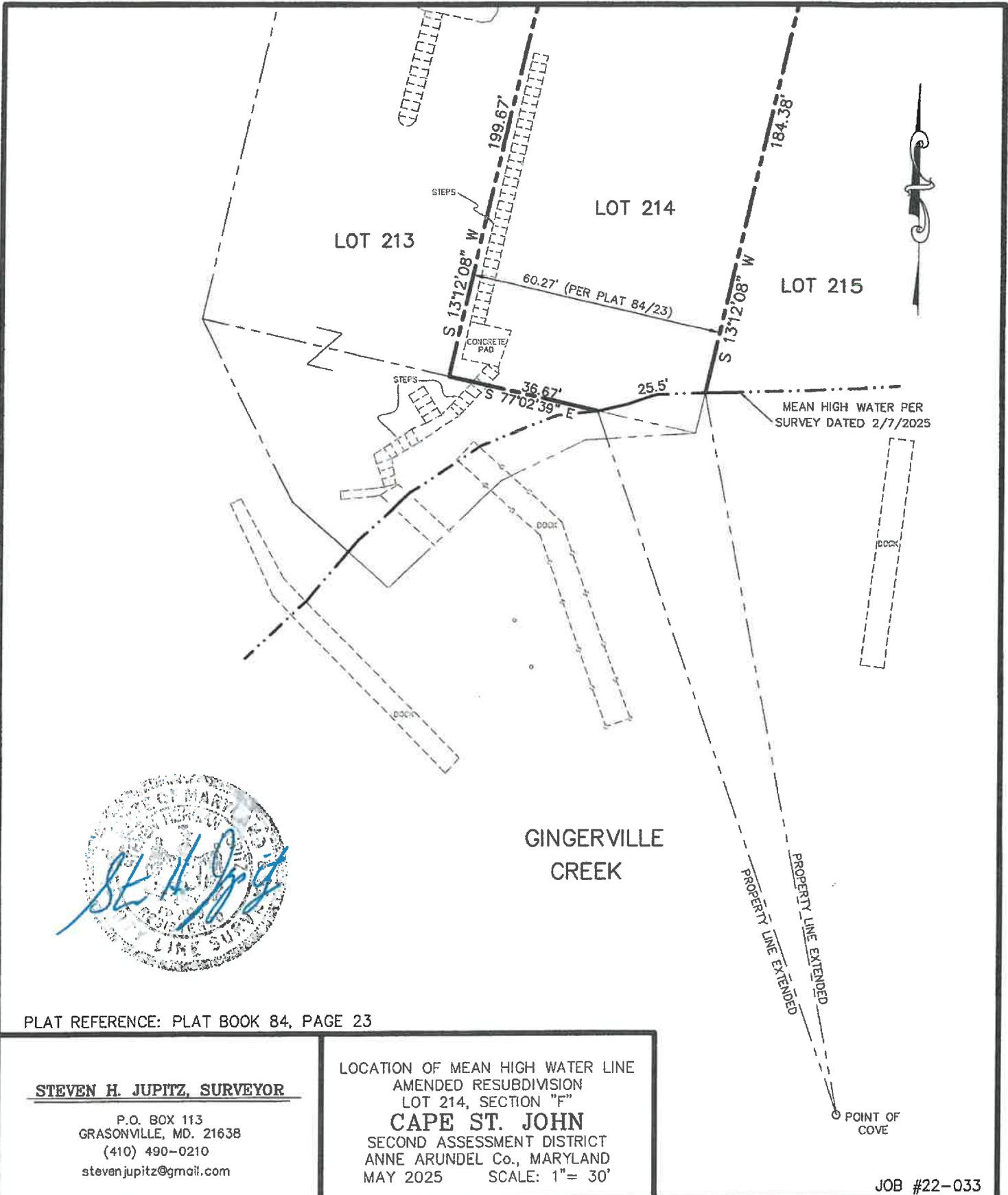
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pier and pilings (2) with less setbacks than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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



PLAT REFERENCE: PLAT BOOK 84, PAGE 23

STEVEN H. JUPITZ, SURVEYOR

P.O. BOX 113
GRASONVILLE, MD. 21638
(410) 490-0210
stevenjupitz@gmail.com

LOCATION OF MEAN HIGH WATER LINE
AMENDED RESUBDIVISION
LOT 214, SECTION "F"
CAPE ST. JOHN
SECOND ASSESSMENT DISTRICT
ANNE ARUNDEL Co., MARYLAND
MAY 2025 SCALE: 1"= 30'

JOB #22-033

EXHIBIT 2



TOPOGRAPHY





APPROX. LOT COVERAGE

DWELLING 2600

SIDEWALK 85

SIDEWALK 327

PAVERS 129

DRIVEWAY 517

3658 sq

LOT AREA 11,800 sq 31%

TREES 3,676 sq ft

SHRUBS 2,467 sq ft

EXHIBIT 5

TREES

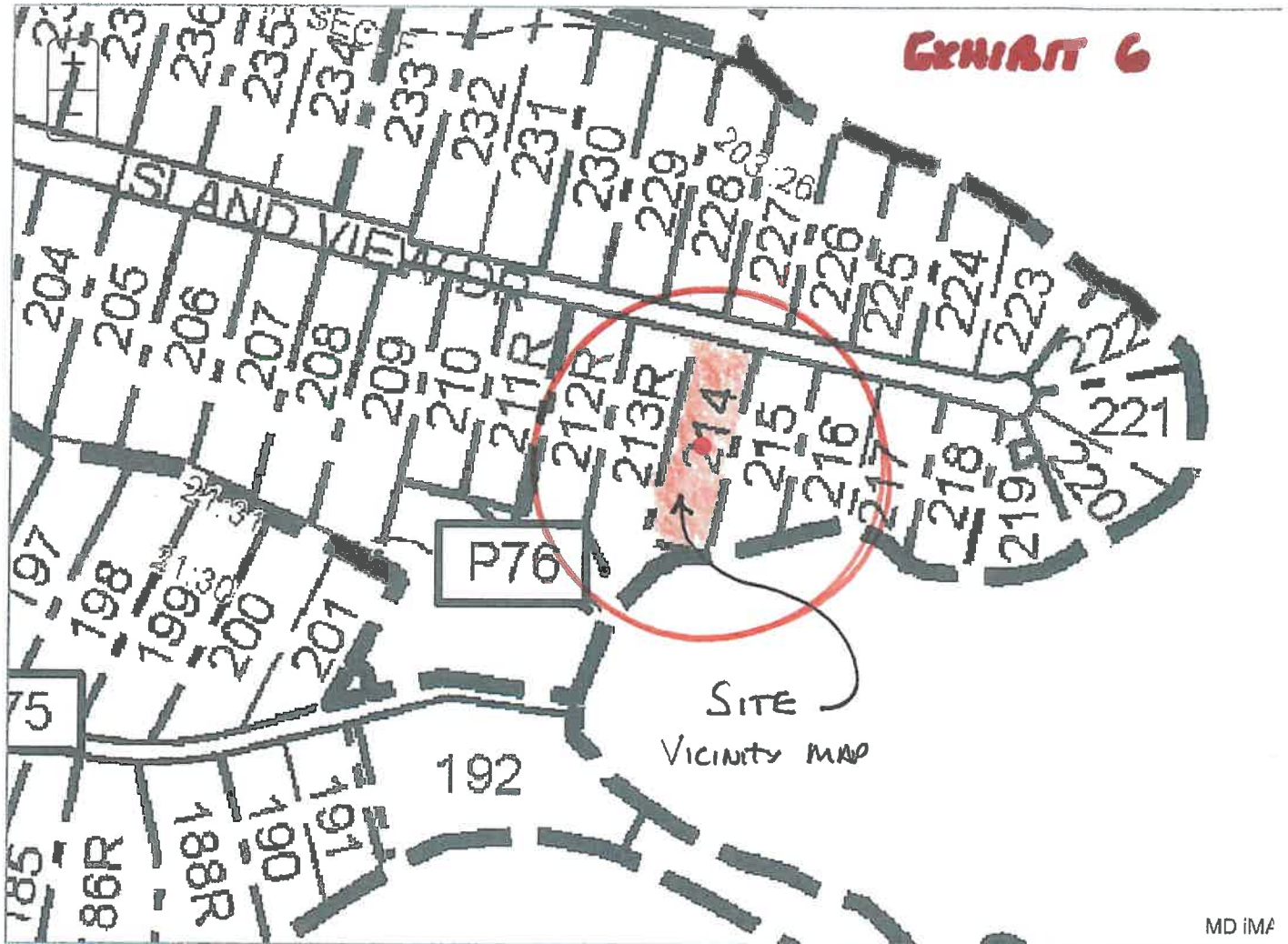
SHRUBS

SITE

ISLAND VIEW DR

135
ISLAND VIEW



District: **02** Subdivision: **154** Account Number: **10424400**

MD iMA

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

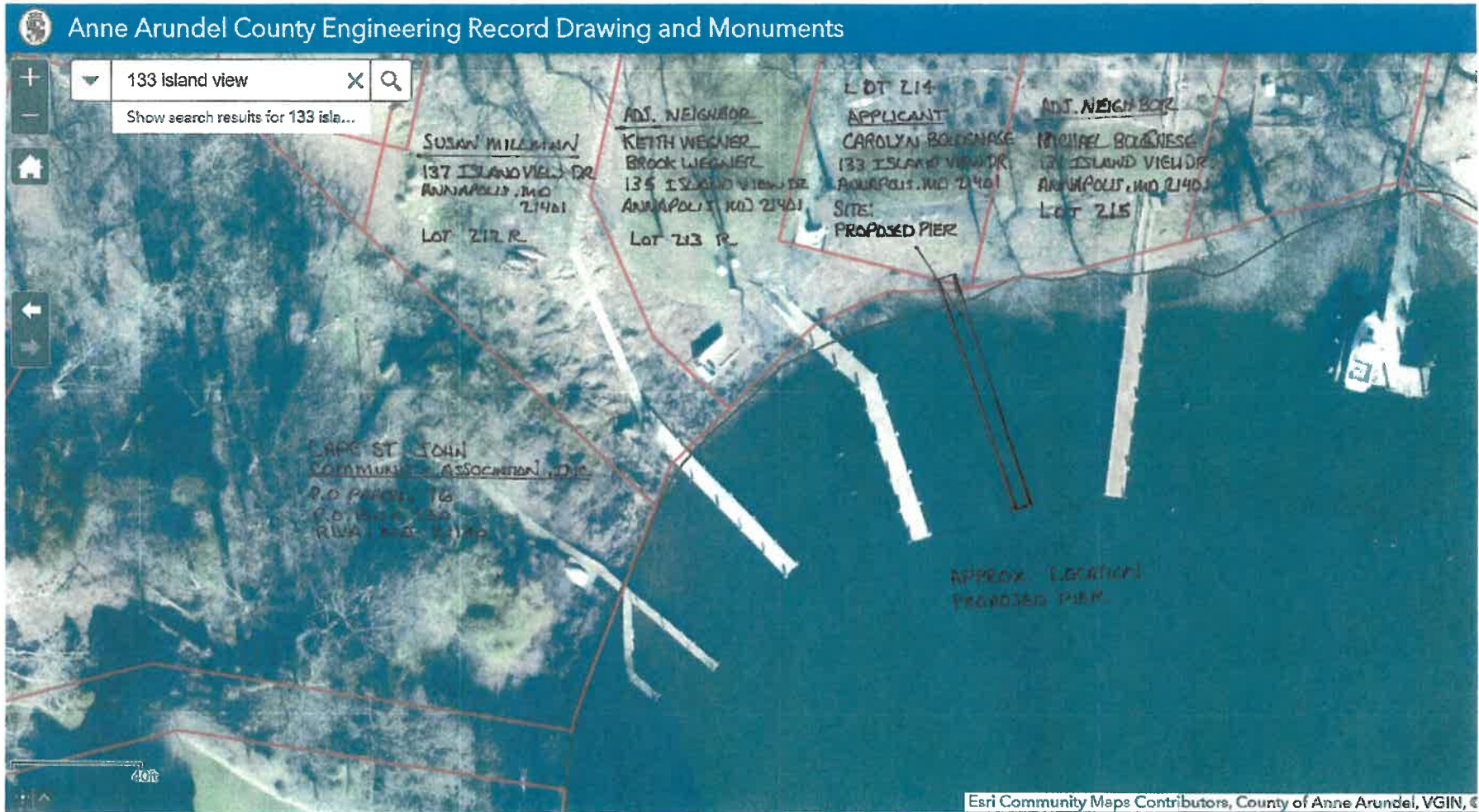
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

VICINITY MAP

7



1"=30'