

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

APPLICANTS: Blair A. Denney & Nicole Denney

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2023-0148-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: November 30, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow a dwelling addition (screened porch) with greater lot coverage than allowed on property known as 726 Great Heron Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has 101 feet of road frontage on the west side of Great Heron Drive, south of Central Avenue East (MD 214) . The site has an area of 15,309 square feet and is shown as Lot 3 on Tax Map 60 Block 9 as Parcel 40 in the Heron Cove subdivision. The site has been zoned R2-Residential District since the adoption of comprehensive rezoning for the Seventh Councilmanic District, effective October 7, 2011. This is a non-waterfront property that is located entirely within the Chesapeake Bay Critical Area, designated LDA-Limited Development Area. The property is improved with a dwelling with a rear deck, driveway, walkway, gravel patio, and a fenced rear yard.

PROPOSAL

The applicants wish to install a screened porch 16 feet by 19 feet (304 sq ft)¹ over an existing deck with a 6-foot by 8-foot landing and stairs.

REQUESTED VARIANCES

§ 17-8-402(c) of the Anne Arundel County Subdivision and Development Code states that lot coverage associated with a lot of one acre or less that is part of a subdivision approved after December 1, 1985 is subject to coverage limitations as indicated on the recorded subdivision plat. Overall subdivision coverage is limited to 15%. This lot was created under the Heron Cove subdivision recorded in June 2007. Lot 3 is included on the lot coverage table for allowed impervious area within the critical area at 2,750 square feet. The proposal creates 304 square feet of lot coverage above the current lot coverage on the lot and 279 square feet of lot coverage above the platted maximum lot coverage necessitating a variance to this requirement.

¹ The letter of explanation indicates that the porch is 16 x 20 feet, however, the site plan indicates 16 x 19 feet which has been confirmed with the applicant's contractor.

FINDINGS

This Office finds that this property is wide at the street and narrows towards the rear. This is a lot in the R2-Residential District which meets the area requirement (15,309 square feet provided, 15,000 square feet required) for a lot in the R2 District that is served by public sewer and meets the lot width requirement for the R2 District (100+ feet provided, 60 feet required). This lot was created by subdivision in 2007 and was developed with a dwelling in 2009. While the site is constrained by the critical area impervious coverage allowance on the plat of the subdivision, denial of the request would not cause hardship in the use of the land.

A review of the 2023 County aerial photograph shows homes of similar size in this community. The homes occupy lots of similar size.

The existing critical area lot coverage is 2,725 square feet.² With the addition of the proposed 304 square feet of screened porch the post-construction lot coverage will be 3,029 square feet, 279 square feet greater than the 2,750 square feet allowed per the recorded plat.

The applicants write that they would like to build an elevated screened porch where an existing open deck is today. They state that the lot is long and narrow and that because the lot is longer than others in the neighborhood the additional length in driveway is creating difficulties in meeting the necessary requirements.

This Office finds that their driveway is not disproportionate from other driveways in the neighborhood and that their house is located 'in line' with other houses. This Office found one application for a similar variance in this subdivision at 3507 Great Heron Drive. Variance case 2017-0333-V was withdrawn and a building permit was approved for a screened porch. Permit B02349776 was issued but never received final approval.

Agency comments

The **Health Department** commented that they have evaluated the well water supply system for the property and determined that the request does not adversely affect this system. The Health Department has no objection to the request.

The **Development Division (Critical Area Team)** commented that this lot is located in the subdivision of Heron Cove which was approved in 2007 in full compliance with the Critical Area regulations. As a result, the Lot Coverage was limited to 15% of the Critical Area acreage or 108,879 sq ft which was divided between the ROW, the recreation area and the lots within the Critical Area. As a result, a chart was placed on the plat, indicating the maximum coverage permitted per each of the areas in order to remain in compliance with the overall lot coverage limitation for the subdivision. The lots in this subdivision are relatively the same size and the homes are located at the 30' BRL. There is nothing unique about the lot or the improvements that would warrant approval of this variance. Additional lot coverage cannot be mitigated by plantings. This office does not support variances to Lot Coverage.

² The gravel area behind the house should also be counted as lot coverage and may not have been. The property may already be over the allowed critical area lot coverage.

The **Critical Area Commission** commented that Lot 3 is part of the Heron Cove Subdivision that was approved in 2007 (Plat Book 289 Page 32). The entire portion of the subdivision within the Critical Area was limited to 15% lot coverage (2.5 acres) when approved. This included the lot coverage associated with Lots 1-24, Great Heron Drive, the rights-of-ways, and within the recreation areas. Based on the Lot and Impervious Area Tabulations shown on Sheet 3 of 3 of the subdivision plat, the allowable lot coverage for Lots 1-24 was limited to 1.63 acres (or 70,792 square feet), this included the 2,750 square foot limit for Lot 3. It is understood that the subdivision is fully developed and the allotted lot coverage for the above-mentioned improvements (i.e., the lots, roads, rights-of-ways, and recreational areas) has been fully allocated. The Critical Area Commission opposes the variance request and reminds that variance to the County's Critical Area program may be granted only if the Administrative Hearing Officer finds that the applicant has satisfied the burden to prove that the request meets each and every one of the county's variance standards. This office finds that the variance request fails to meet all of the variance standards, as required in COMAR 27.01.12.

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

"Unwarranted hardship" means that the applicant would be denied reasonable and significant use of the entire parcel or lot. The applicant currently has reasonable and significant use of the entire lot or parcel with the existing improvements. The application did not provide justification for an expansion of lot coverage, nor did it provide any indication that alternative designs were considered to reduce lot coverage elsewhere on the property. Denial of the request would not result in an unwarranted hardship. The commission provided suggested alternatives.

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

All other lots in the subdivision were developed per the prescribed lot coverage limit. All new subdivisions within the Critical Area are required to adhere to the 15% lot coverage limit. Therefore, a denial of this variance would not deprive the applicant of rights commonly enjoyed by other properties created in accordance with the County's Critical Area Program, as no lot has the right to exceed a prescribed lot coverage limit that would result in a subdivision exceeding the overall 15% limit.

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

The granting of this variance would absolutely confer a special privilege upon this applicant. The other 23 lots located within the Critical Area in the Heron Cove Subdivision were required to comply with the same lot coverage limit as Lot 3.

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

The applicant has the ability to improve this conforming lot in a manner that still complies with the lot coverage.

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

any neighboring property;

The variance request is solely due to the fact that the applicant desires to exceed the lot coverage limit prescribed for this conforming lot which will result in a nonconforming subdivision created after the Critical Area law.

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

Development which exceeds the lot coverage limit for the lot and entire subdivision, when there are alternatives to construct a screen porch without additional lot coverage; completely ignores the intent of the Critical Area law and adversely affects water quality and habitat.

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

Granting a variance to further improve a conforming lot in a manner that will result in an exceedance in lot coverage for lot 3 and for the entire Heron Cove Subdivision when there are clear opportunities to construct the screen porch in a manner that does not result in additional lot coverage, is absolutely not in harmony with the spirit and intent of the Critical Area law and would be contrary to the goal of the Critical Area law.

Variance standards

For the granting of a critical area variance, a determination must be made as to whether because of certain unique physical conditions peculiar to and inherent in the property, strict implementation of the County's critical area program would result in an unwarranted hardship. This lot does not have unique physical conditions; therefore, no hardship is evident for a screened porch. The applicant currently has reasonable and significant use of the entire lot or parcel with the existing improvements and has not provided justification for expanding and exceeding the lot coverage maximum amount.

A literal interpretation of the County's critical area program will not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County. A denial of the variance would not deprive the applicant of a right commonly enjoyed by other properties created in accordance with the County's Critical Area Program, as no lot has the right to exceed a prescribed lot coverage limit that would result in a subdivision exceeding the overall 15% limit.

The granting of the variances will confer on the applicants special privileges that would be denied by COMAR, Title 27.

The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property.

The granting of the variance may adversely affect water quality or impact fish, wildlife or plant habitat and will not be in harmony with the general spirit and intent of the County's critical area program.

The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have not evaluated or implemented site planning alternatives.

The standard for granting a variance is whether strict compliance of the zoning ordinance regulations would result in "practical difficulty or unnecessary hardship". Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

Approval of the variance will not alter the essential character of the neighborhood, if constructed the screened porch would be located on the rear of the dwelling. Approval of the variance will not substantially impair the appropriate use or development of adjacent property, as the proposed screened porch meets all setback requirements and will be located well away from the dwellings on the abutting lots. The variance will not reduce forest cover in the limited development area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

This lot has no unique physical conditions. The lot is currently just under the allowable lot coverage and may, in fact, be over lot coverage with the inclusion of the gravel area in the rear yard. The applicant has not made any attempt to minimize lot coverage by removal of any existing lot coverage. Therefore, the variance request is not considered to be the minimum necessary to afford relief as the additional lot coverage is unwarranted. Denial of the variance request would not cause hardship in the use of the lot as the lot is already developed with a dwelling.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in § 18-16-305 of the County Code, the Office of Planning and Zoning recommends that the variance to §17-8-402(c) to allow 279 square feet of critical area lot coverage over the allowable maximum for the proposed screened porch be ***denied***.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

2023-0148-V - VARIANCE

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

10/03/2023

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

This lot is located in the subdivision of Heron Cove which was approved in 2007 in full compliance with the Critical Area regulations. As a result, the Lot Coverage was limited to 15% of the Critical Area acreage or 108,879 sq ft which was divided between the ROW, the recreation area and the lots within the Critical Area. As a result, a chart was placed on the plat, indicating the maximum coverage permitted per each of the areas in order to remain in compliance with the overall lot coverage limitation for the subdivision. The lots in this subdivision are relatively the same size and the homes are located at the 30' BRL. There is nothing unique about the lot or the improvements that would warrant approval of this variance. Additional lot coverage cannot be mitigated by plantings. This office does not support variances to Lot Coverage.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Task Specific Information

Due Date

10/24/2023

Assigned to Department

OPZ Critical Area

Status Date

10/04/2023

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

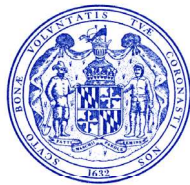
Review Notes

Reviewer Email

Reviewer Name

Reviewer Phone Number

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

November 6, 2023

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

Re: Denney Variance Request 2023-0148-V (726 Great Heron Drive)

Dear Ms. Seay:

Thank you for submitting information regarding the variance request referenced above. The applicant is requesting a variance to Section 17-8-402(c) of Anne Arundel County's Code to exceed the 15% lot coverage limit for the Heron Cove Subdivision so that Lot #3 may construct a screened porch over an existing deck.¹ This lot is located entirely within the Critical Area on lands designated as a Limited Development Area (LDA), and is currently developed with a dwelling, a gravel area, a porch, a deck, walkways, and a driveway all totaling 2,725 square feet of lot coverage. The lot coverage on Lot 3 is limited to 2,750 square feet. If this request were to be approved, the lot coverage on Lot 3 would total 3,045 square feet. This additional lot coverage will result in the entire subdivision being over the 15% lot coverage limit.

Lot 3 is part of the Heron Cove Subdivision that was approved in 2007 (Plat Book 289, Page 30-32). The entire portion of the subdivision within the Critical Area was limited to 15% lot coverage (2.50 acres) when approved. This included the lot coverage associated with Lots 1-24, Great Heron Drive, the rights-of-ways, and within the recreational areas. Based on the Lot and Impervious Area Tabulations shown on Sheet 3 of 3 of the subdivision plat, the allowable lot coverage for Lots 1-24 was limited to 1.63 acres (or 70,792 square feet), this included the 2,750 square foot limit for Lot 3. It is my understanding that the subdivision is fully developed and the allotted lot coverage for the above-mentioned improvements (i.e., the lots, roads, rights-of-ways, and recreational areas) has been fully allocated.

Variance

We are opposed to this variance request. State law provides that variances to Anne Arundel County's Critical Area program may be granted only if the Administrative Hearing Officer

¹ The existing deck does not currently count towards lot coverage (see § 8-1802(a)(17) of the Natural Resources Article). However, once converted into a screened porch, the whole structure would count towards lot coverage.

(AHO) finds that an applicant has satisfied the burden to prove that the request meets each and every one of the County's variance standards. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

This office finds that the variance request fails to meet all of the variance standards, as required in COMAR 27.01.12.

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

State law defines "unwarranted hardship" to mean that, without the requested variance, the applicant would be denied reasonable and significant use of the entire parcel or lot. The allowable lot coverage limit for Lots 1 – 24 in the Heron Cove Subdivision was approved at 2,750 square feet per lot. The applicant currently has reasonable and significant use of the entire lot or parcel with the existing improvements. The application material did not include justification for an expansion of lot coverage, nor did it provide any indication that alternative designs were considered to reduce lot coverage elsewhere on the property. For example, it appears that the screen porch could be developed over the existing gravel area so that the footprint of the screen porch would not result in additional lot coverage for the site. Alternatively, the gravel area could be removed or converted to a deck with gaps to allow for water to flow through, thereby reducing the same amount or more of the lot coverage on the site to offset the 320 square-foot screened porch. Denial of this request would not result in an unwarranted hardship, as the applicant could remove lot coverage elsewhere on the property or can construct the proposed screened porch over top of existing lot coverage and in doing so would eliminate the need for this variance request. Additionally, if denied, the applicant would still enjoy reasonable and significant use of the entire property.

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

This subdivision was approved in 2007 in conformance with the Critical Area development standards. It was determined the number of lots that would be developed within the subdivision while ensuring that the lot coverage for the entire subdivision within the Critical Area met the 15% limit. All other lots were developed per the prescribed lot coverage limit. All new subdivisions within the Critical Area are required to adhere to the 15% lot coverage limit. Therefore, a denial of this variance would not deprive the applicant of a right commonly enjoyed by other properties created in accordance with the County's Critical Area Program, as no lot has the right to exceed a prescribed lot coverage limit that would result in a subdivision exceeding the overall 15% limit.

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

The granting of this variance would absolutely confer a special privilege upon this applicant. The Anne Arundel County Code and the Critical Area law place strict limits on lot coverage in the LDA in order to meet the goals of the Critical Area law. The other 23 lots located within the Critical Area in the Heron Cove Subdivision were required to comply with the same lot coverage limit as Lot 3. Additionally, all other subdivisions within the Critical Area created after the Critical Area law passed are also required to comply with the 15% lot coverage limit. Therefore, granting this variance request would confer upon the applicant a special privilege denied to others.

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

The variance request is not based on an existing condition or circumstance caused by the applicant. However, the applicant has the ability to improve this conforming lot in a manner that still complies with the lot coverage limit.

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

The variance request is solely due to the fact that the applicant desires to exceed the lot coverage limit prescribed for this conforming lot which will result in a nonconforming subdivision created after the Critical Area law. It is not the result of any conforming or nonconforming condition on a neighboring property. However, we note that the neighboring properties were developed in conformance with the Heron Cove Subdivision plat and by extension in conformance with the Critical Area law and regulations.

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

The Critical Area law and regulations are designed to foster more sensitive development for shoreline areas so as to minimize damage to water quality and habitat. The cumulative impact of development activity in the Critical Area, even if that development activity appears minimal, has a substantial and negative impact on the Chesapeake Bay. The Bay's shorelines and adjacent lands are a sensitive part of this estuarine system, and the Critical Area law is tasked with not only maintaining but improving water quality and habitat within this system. Development which exceeds the lot coverage limit for the lot and entire subdivision, when there are alternatives to construct a screen porch without additional lot coverage; completely ignores the intent of the Critical Area law and adversely affects water quality and habitat.

Ms. Seay
Denney Var
November 6, 2023
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7. *The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.*

The granting of this variance is not in harmony with the spirit and intent of the Critical Area law or the County's Critical Area program. The goals of the Critical Area law are to (1) minimize adverse impacts on water quality that result from development, (2) conserve fish, wildlife, and plant habitat, and (3) establish land use policies that accommodate development while recognizing that development adversely affects the first two goals. Granting a variance to further improve a conforming lot in a manner that will result in an exceedance in lot coverage for Lot 3 and for the entire Heron Cove Subdivision when there are clear opportunities to construct the screen porch in a manner that does not result in additional lot coverage, is absolutely not in harmony with the spirit and intent of the Critical Area law and would be contrary to the goals of the Critical Area law.

In summary, the Administrative Hearing Officer must find that the applicant has overcome the burden to meet each and every one of the County's variance standards in order to grant a variance. The applicant has failed to satisfy the variance standards listed above. Therefore, the variance application in its entirety should be denied.

Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. I can be reached at 410-260-3468 if you have any questions.

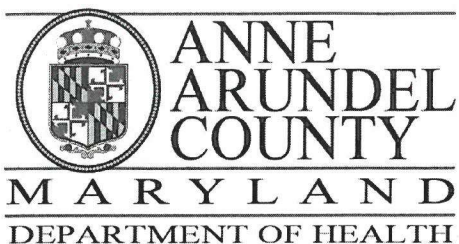
Sincerely,



Jennifer Esposito
Natural Resources Planner

cc: Charlotte Shearin, Critical Area Commission
Katherine Charbonneau, Critical Area Commission
Emily Vainieri, Critical Area Commission

AA 337-23



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 *BC*
Bureau of Environmental Health

DATE: October 16, 2023

RE: Blair A. Denny
726 Great Heron Drive
Edgewater, MD 21037

NUMBER: 2023-0148-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition with greater lot coverage than allowed.

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

NOTICE TO TITLE EXAMINERS

- 1. THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME NULL AND VOID UNLESS:
(i) AN INSPECTION AGREEMENT OR A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED;
(ii) IF REQUIRED, A UTILITY AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED, AND
(iii) CONSTRUCTION UNDER EACH OF THESE AGREEMENTS HAS BEEN CONTINUOUS WITHOUT INTERRUPTION FOR MORE THAN ONE YEAR AT ALL TIMES.
2. A SALE OR CONTRACT OF SALE OF ANY LOTS SHOWN HEREIN MAY NOT BE MADE UNTIL NECESSARY IMPROVEMENTS HAVE BEEN:
(i) SATISFACTORILY COMPLETED UNDER AN INSPECTION AGREEMENT AND THE SUBDIVIDER HAS PROVIDED THE COUNTY WITH A WAIVER OF THE LIENS FROM ALL CONTRACTORS AND SUBCONTRACTORS; OR
(ii) IF REQUIRED, SATISFACTORILY GUARANTEED BY A UTILITY AGREEMENT, SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH, OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SECURITY AS AUTHORIZED BY LAW; AND
(iii) IF REQUIRED, SATISFACTORILY GUARANTEED BY A UTILITY AGREEMENT, SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH, OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SECURITY AS AUTHORIZED BY LAW.

3. A BUILDING PERMIT OTHER THAN A SIMPLE PERMIT MAY NOT BE ISSUED FOR ANY CONSTRUCTION IN THIS DEVELOPMENT UNTIL THE REQUIREMENTS OF PARAGRAPH 2 ABOVE HAVE BEEN COMPLIED WITH. CERTIFICATES OF USE AND OCCUPANCY MAY NOT BE ISSUED FOR ANY BUILDING UNTIL THE REQUIREMENTS OF PARAGRAPH 2 ABOVE HAVE BEEN COMPLIED WITH. THESE AGREEMENTS SHALL BE COMPLETED UNDER THE PUBLIC WORKS AGREEMENT BY ARTICLE 26, SECTION 3-314 OF THE ANNE ARUNDEL COUNTY HAVE BEEN COMPLETED.

DEDICATION BY OWNERS

WE, HD HERON COVE, LLC, OWNERS OF PARCELS 40 AND 330, AS SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION TO ESTABLISH THE MINIMUM BUILDING RESTRICTIONS AND DEDICATE THE STREETS, ALLEYS, WALKWAYS AND OTHER EASEMENTS, WIDENING STRIPS AND FLOODPLAINS TO PUBLIC USE, SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY OR THE STATE HIGHWAY ADMINISTRATION, AS MAY BE APPROPRIATE, ON REQUEST. THE DEDICATION AND OPEN SPACE SHOWN HEREIN IS HEREBY SET ASIDE FOR THE RECREATIONAL USE OF THE PEOPLE OF THE ANNE ARUNDEL COUNTY. THE DEED TO ANNE ARUNDEL COUNTY OF PARCELS 40 AND 330 (40% OF THE LAND AT THE ABOVE COUNTY CODE) CONVEYED TO THE ANNE ARUNDEL COUNTY HOMEOWNERS ASSOCIATION IMMEDIATELY AFTER RECORDATION OF THIS PLAT. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAYS AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT AS SHOWN HEREON.

RECORDING REFERENCE: LENDHOLDER: COLUMBIA BANK LIBER 15860 FOLIO 081 AND ALL PARTIES IN INTEREST THEREON HAVE HERETO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT & WILLINGNESS TO JOIN IN THIS PLAN OF SUBDIVISION.

FURTHER, THE REQUIREMENTS OF SECTION 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME (AS SUPPLEMENTED) AND ARTICLE 26, SECTION 3-304 OF THE ANNE ARUNDEL COUNTY CODE AS FAR AS THEY RELATE TO THE MAKING OF THESE PLATS AND THE SETTING OF MARKERS (SHALL BE DEEMED TO HAVE BEEN) COMPLIED WITH.

WITNESS: Richard J. Thometz, Manager, HD Heron Cove, LLC; John A. Scalaprin, Trustee; Scott C. Nicholson, Trustee. DATES: 6/16/07, 6/16/07, 6/16/07.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT REPRESENTS A SURVEY OF THE PROPERTY BY THE SURVEYOR OR PREPARED UNDER THE SURVEYOR'S DIRECT SUPERVISION AND THAT IT IS A SUBDIVISION OF ALL THE LANDS COVERED BY JAMES W. WARD, JR., AND MEREDITH M. WARD, BY DEED DATED JANUARY 14, 2005 TO HD HERON COVE, LLC AND RECORDED IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY IN LIBER 15860, FOLIO 684.

THE REQUIREMENTS OF SECTION 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME (AS SUPPLEMENTED) AND ARTICLE 26, SEC 3-304 OF THE ANNE ARUNDEL COUNTY CODE AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS SHALL BE DEEMED TO HAVE BEEN COMPLIED WITH.

RAYMOND D. TOWLER, PROFESSIONAL SURVEYOR, No. 21,111, State of Maryland, License No. 12107, dated 06/16/07.

DRUM, LOYKA & ASSOCIATES, LLC CIVIL ENGINEERS - LAND SURVEYORS 209 WEST STREET, SUITE 203 ANNAPOLIS, MARYLAND 21401 410-280-3122

DEVELOPMENT NOTE

DEVELOPMENT OF THIS SUBDIVISION SHALL BE UNDERTAKEN ONLY IN ACCORDANCE WITH THE APPROVED FINAL DEVELOPMENT PLAN ON FILE IN THE OFFICE OF PLANNING AND ZONING.

CRITICAL AREA NOTE

THIS SITE IS PARTIALLY WITHIN THE CHESAPEAKE BAY CRITICAL AREA, WITH AN LIA DESIGNATION, AND WILL BE SUBJECT TO ALL CRITICAL AREA REQUIREMENTS IN EFFECT AT THE TIME OF GRADING AND/OR BUILDING PERMIT.

COASTAL FLOOD PLAIN AND HIGH HAZARD NOTE

LOTS 8, 9, 10, 14, AND 15 ARE AFFECTED BY A COASTAL FLOODPLAIN AND/OR A COASTAL HIGH HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON THE FLOOD INSURANCE RATE MAPS (MAP NO. 24008 047 C). THE ELEVATION IS 7 FEET. THE FIRST FLOOR ELEVATIONS OF ALL STRUCTURES LOCATED WITHIN THESE AREAS OR LOTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 21, TITLE 1 OF THE ANNE ARUNDEL COUNTY CODE.

DENIED ACCESS NOTE

LOTS 1, 24, AND 25 SHALL NOT DERIVE ACCESS VIA MARYLAND ROUTE 214 (MAYO ROAD).

TEMPORARY CONSTRUCTION EASEMENT

A TEMPORARY EASEMENT IS RESERVED ON ALL LOTS SHOWN HEREON BETWEEN THE RIGHT-OF-WAY LINE AND THE BUILDING RESTRICTION LINE FOR THE PROPOSED PLANNING AND ZONING. THIS EASEMENT IS FOR THE USE OF THE COUNTY ENGINEER AND HIS STAFF TO CONDUCT INSPECTIONS AND TO CONDUCT SURVEYS NECESSARY FOR THE EXECUTION OF THE APPROVED PLANS UNDER THESE AGREEMENTS AND SAID EASEMENTS WILL CEASE TO EXIST UPON SATISFACTORY COMPLETION OF THESE IMPROVEMENTS AND THE RELEASE OF ANY MAINTENANCE SECURITY HELD BY ANNE ARUNDEL COUNTY, MARYLAND.

LANDSCAPE/SCREENING NOTE

ALL OPEN SPACES/SCREENING PLAN BOUND, AND SCREENING AGREEMENT, IN ACCORDANCE WITH THE APPROVED CONCEPT PLAN ON FILE AT THE OFFICE OF PLANNING AND ZONING, SHALL BE SUBMITTED PRIOR TO ISSUANCE OF A GRADING AND/OR BUILDING PERMIT. THE PLAN SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF ARTICLE 26, TITLE 9 OF THE ANNE ARUNDEL COUNTY CODE AND THE LANDSCAPE MANUAL.

LANDSCAPE EASEMENT NOTE

THIS EASEMENT IS PROVIDED TO ALLOW INSTALLATION AND MAINTENANCE OF LANDSCAPE PLANTING TO PROVIDE SCREENING FROM MD 214 (MAYO RD) AND FOR CONSTRUCTION OF SUBDIVISION ENTRANCE STRUCTURES. NO OTHER STRUCTURES INCLUDING FENCING ARE ALLOWED WITHOUT THE APPROVAL OF THE HOME OWNERS ASSOCIATION.

REFORESTATION EASEMENT NOTE

PERMANENT ACCESS BY THE OWNERS OF LOTS 14 & 15 AND THE RECREATION AREA TO THE SHORELINE AND WATER THROUGH THE REFORESTATION EASEMENT IS ENSURED WITH THIS DOCUMENT. THE LOCATION AND SIZE OF THE ACCESS IS TO BE APPROVED BY THE ANNE ARUNDEL COUNTY PERMIT APPLICATION CENTER ENVIRONMENTAL DIVISION PRIOR TO INSTALLATION.

PRIVATE SEPTIC NOTE - LOTS 14 AND 15

THE MAYO SEPTIC TANKS AND THE LOW PRESSURE SEWER ON LOTS 14 AND 15 AFTER THE SEWER VALVE AT THE RIGHT-OF-WAY LINE OF GREAT HERON DRIVE ARE TO BE PRIVATELY OWNED AND MAINTAINED.

ALLOCATION NOTE AND PUBLIC IMPROVEMENT

"THIS SUBDIVISION PLAN IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 19, TITLE 5 OF ANNE ARUNDEL COUNTY CODE AS IT RELATES TO THE ALLOCATION OF WASTE WATER CAPACITY FAILURE TO COMPLY WITH THE PROVISIONS OF THIS LAW MAY CAUSE THIS SUBDIVISION PLAT TO BECOME VOID OR CAUSE THE PROPERTIES SHOWN HEREON TO BE SUBJECT TO A LITIGATION FOR UNPAID CHARGES."

PRIVATE ACCESS EASEMENT

THE 40-FOOT WIDE PRIVATE COMMON ACCESS EASEMENT SHOWN HEREON IS INTENDED TO PROVIDE ACCESS TO AND FROM LOTS 14 AND 15. THE OWNERS OF THESE LOTS ARE RESPONSIBLE FOR MAINTENANCE OF THE ACCESS EASEMENT AND ARE NOT ELIGIBLE TO RECEIVE COUNTY SERVICES PROVIDED TO LOT OWNERS ABUTTING COUNTY ROADS. SEE PRIVATE ACCESS MAINTENANCE AGREEMENT RECORDED IN LIBER 13130, FOLIO 0411.

UNDERGROUND ELECTRIC AND TELEPHONE AGREEMENTS

THIS PLAT HAS BEEN APPROVED FOR RECORDING SUBJECT TO AN AGREEMENT WITH BGE&E DATED DECEMBER 19, 2001, AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY IN LIBER 1015, FOLIO 216.

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

THIS SUBDIVISION IS SUBJECT TO THE DECLARATION OF CONDITIONS, COVENANTS, AND RESTRICTIONS FOR HERON COVE SUBDIVISION DATED JUNE 25, 2007 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY IN LIBER 14189, FOLIO 180.

STORMWATER MANAGEMENT NOTE

HD HERON COVE, LLC, FOR THEMSELVES AND THEIR HEIRS, LEGAL REPRESENTATIVES, PERSONAL REPRESENTATIVES, SUCCESSORS, AND ASSIGNS HEREBY GRANT THE PERPETUAL RIGHT-TO-DISCHARGE THE FLOW OF WATER FROM SUCH NECESSARY DRAINAGE FACILITIES AND APPURTENANCES TO ADEQUATELY DRAIN THE NATURAL WATERSHED AND ADJACENT PROPERTIES INTO EXISTING WATERWAYS AND/OR NATURAL DRAINAGE COURSES AND/OR UPON THE EXISTING GROUND. SUCH DISCHARGE POINTS ARE INDICATED BY THE SYMBOLS (PRIVATE) AND (PUB) RESPECTIVELY AS SHOWN GRAPHICALLY ON THIS PLAT.

STANDARD RIGHT TO DISCHARGE

HD HERON COVE, LLC, FOR THEMSELVES AND THEIR HEIRS, LEGAL REPRESENTATIVES, PERSONAL REPRESENTATIVES, SUCCESSORS, AND ASSIGNS HEREBY GRANT THE PERPETUAL RIGHT-TO-DISCHARGE THE FLOW OF WATER FROM SUCH NECESSARY DRAINAGE FACILITIES AND APPURTENANCES TO ADEQUATELY DRAIN THE NATURAL WATERSHED AND ADJACENT PROPERTIES INTO EXISTING WATERWAYS AND/OR NATURAL DRAINAGE COURSES AND/OR UPON THE EXISTING GROUND. SUCH DISCHARGE POINTS ARE INDICATED BY THE SYMBOLS (PRIVATE) AND (PUB) RESPECTIVELY AS SHOWN GRAPHICALLY ON THIS PLAT.

WITNESS: Richard J. Thometz, Manager, HD Heron Cove, LLC; John A. Scalaprin, Trustee; Scott C. Nicholson, Trustee. DATES: 6/16/07, 6/16/07, 6/16/07.

OWNER CERTIFICATION

I HEREBY CERTIFY THAT IRON PIPES MARKED AND CONCRETE MONUMENTS MARKED WILL BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF ANNE ARUNDEL COUNTY, MARYLAND.

Richard J. Thometz, Manager, HD Heron Cove, LLC. DATE: 6/16/07.

WAIVER NOTE

WATER # 8212A TO EXCLUDE IMPROPERLY SUBDIVIDED PARCELS 145 AND 183 AND WAVE ROAD IMPROVEMENTS TO HOLLY ROAD WAS GRANTED BY THE OFFICE OF PLANNING AND ZONING ON AUGUST 31, 2000.

FOR PRIVATE WATER & PUBLIC SEWER SYSTEMS

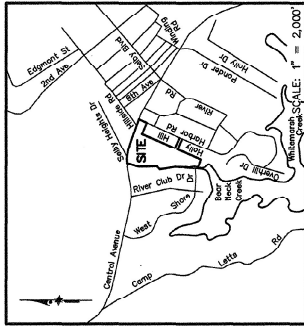
APPROVED: HEALTH DEPARTMENT, ANNE ARUNDEL COUNTY, MARYLAND.

Signature: Chapman. DATE: 6/13/07.

APPROVED: COUNTY HEALTH OFFICER, ANNE ARUNDEL COUNTY, MARYLAND.

Signature: Larry R. Tom. DATE: 6/20/07.

RECORDED IN BOOK PAGE PLAT NO.



VICINITY MAP

NOTE OF PURPOSE

THE PURPOSE OF THIS PLAT IS TO CREATE TWENTY-SIX BUILDABLE LOTS FROM EXISTING PARCELS 40 AND 330.

GENERAL NOTES:

- 1. NO DISTURBANCE IS PERMITTED WITHIN THE 10' BUFFER TO Tidal Wetlands WITHOUT APPROPRIATE COUNTY PERMITS.
2. PARCEL 145 AND '93 ARE NOT APPROVED AS PART OF THIS PLAT PROCESS. PARCELS ARE SUBJECT TO SUBDIVISION APPROVAL.
3. LOT AND IMPROVEMENT AREA TABULATIONS, SITE TABULATIONS, AFForestation AND RECREATION RESTORATION TABULATIONS, AND CREATION AREA AND OPEN SPACE TABULATIONS ARE SHOWN ON PLAT 3 OF 3.

AREA TABULATIONS:

Table with 2 columns: Description and Area. Includes Total Site Area (777,492 S.F.), EX. PARCEL 40 (753,513 S.F.), EX. PARCEL 330 (23,979 S.F.), LOTS 1-26 (480,537 S.F.), MD RTE 214 ROW (6,293 S.F.), GREAT HERON DRIVE & COURT ROW DEDICATION (73,575 S.F.), OPEN SPACE (1,700 AC.), TOTAL (777,492 S.F.).

ZONING/SETBACKS:

ZONING: R-2, OS
R-2 SETBACKS:
FRONT = 30 FEET
REAR = 25 FEET
SIDE = 7 FEET.

PLAT 1 OF 3

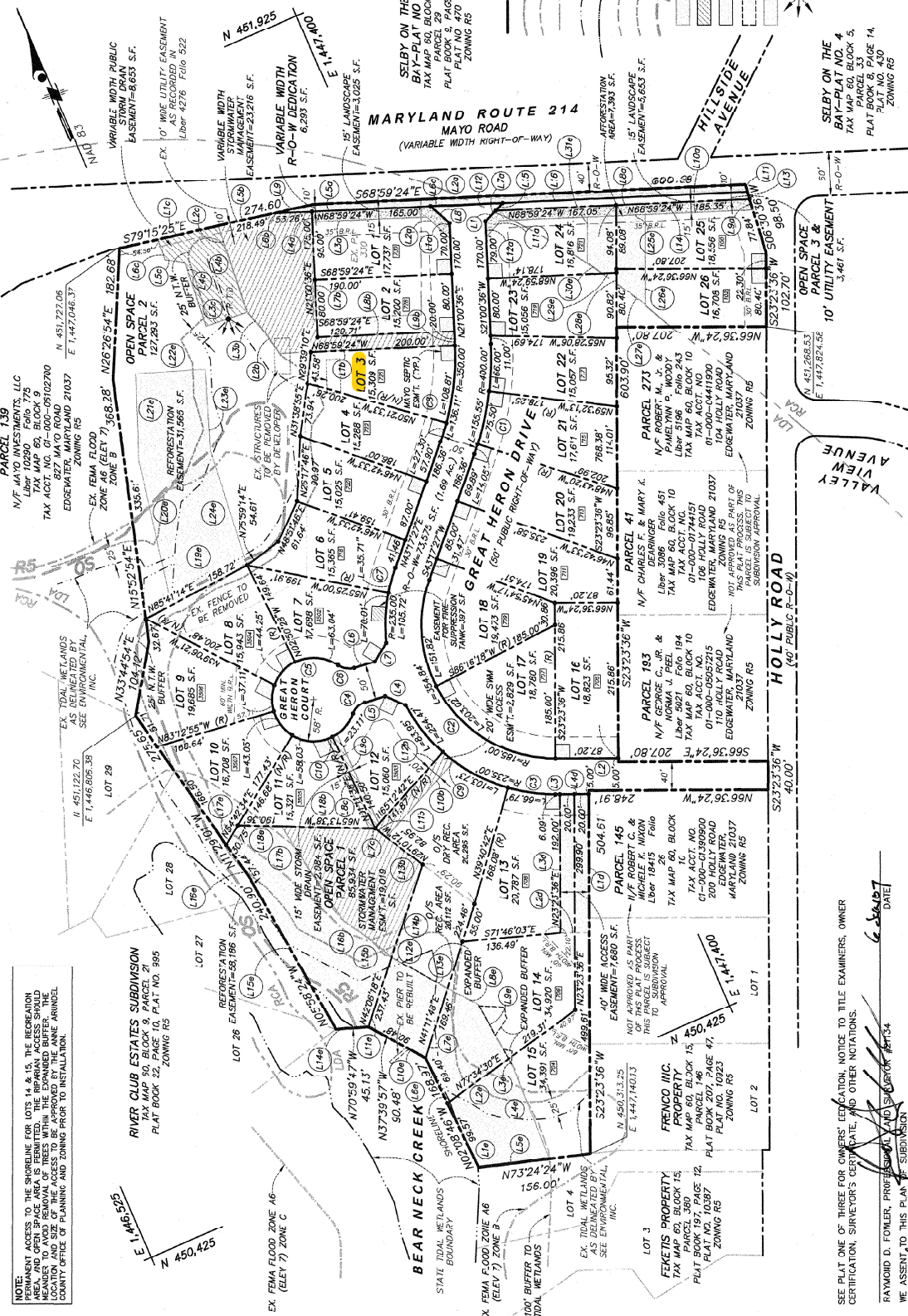
MAJOR SUBDIVISION

HERON COVE

SUBDIVISION NO. 98-126 PROJECT NO. 01-025
TAX MAP: 80 BLOCKS 9, 10 PARCELS: 40 & 330
SCALE: 1" = 80 FEET DATE: JUNE, 2007
ZIP CODE: 21037

DISTRICT: 1ST ANNE ARUNDEL COUNTY, MD

Post 554 15135 9706-7 063.0



LEGEND
PROPERTY LINE
FEMA FLOOD ELEV. LINE
100' BUFFER TO TIDAL WETLANDS
CRITICAL AREA LINE
NON-TIDAL WETLANDS (N.T.M.)
TIDAL WETLANDS
NON-TIDAL WETLANDS BUFFER
ZONING LINE
RIGHT-OF-WAY DEDICATION
STORM DRAIN & S.W.M. EASEMENT
MAYO SEPTIC EASEMENT
EXPANDED BUFFER
REFORESTATION EASEMENT
RIGHT-TO-DISCHARGE
RADIAL LINE
NON-RADIAL LINE

MARYLAND ROUTE 214
MAYO ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)

HILLSIDE AVENUE

VALLEY VIEW AVENUE

GREAT HERON DRIVE

HOLLY ROAD
(40' PUBLIC R.O.-W.)

BEAR NECK CREEK

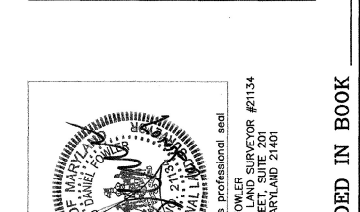
LOT 1

LOT 2

SEE PLAT 3 OF 3 FOR REFORESTATION EASEMENT & AFFORESTATION EASEMENT LINE TABLES

PLAT 2 OF 3
MAJOR SUBDIVISION
HERON COVE
SUBDIVISION NO. 98-128 PROJECT NO. 01-025
TAX MAP: 60 BLOCK: 9, 10 PARCELS: 40 & 390
SCALE: 1" = 100' DATE: JUNE, 2007
ZIP CODE: 21037
DISTRICT: 1ST ANNE ARUNDEL COUNTY, MD

FOR PRIVATE WATER & PUBLIC SEWER SYSTEMS
APPROVED: HEALTH DEPARTMENT,
ANNE ARUNDEL COUNTY, MARYLAND
COUNTY HEALTH OFFICER,
ANNE ARUNDEL COUNTY, MARYLAND
APPROVED: OFFICE OF PLANNING AND ZONING,
ANNE ARUNDEL COUNTY, MARYLAND
DATE: 6/13/07
DATE: 6/20/07
LARRY J. TOM, PLANNING AND ZONING OFFICER



26 LOTS
3 PARCELS
RECORDED IN BOOK
PAGE
PLAT NO.

DRUM, LOYKA & ASSOCIATES, LLC
CIVIL ENGINEERS - LAND SURVEYORS
209 WEST STREET, SUITE 203
ANNAPOLIS, MARYLAND 21401
410-280-3122
WITNESSES:
Richard J. Thonitz, Manager, HD Heron Cove, LLC
John A. Spaldara, Trustee
Scott C. Nicholson, Trustee
DATE: 6/16/07
DATE: 6/16/07
DATE: 6/16/07

RECEIVED FOR RECORD
ANN ARUNDEL COUNTY
CIRCUIT COURT, JUNE 23, 2007

LOT AND IMPERVIOUS AREA TABULATIONS

Table with columns: LOT NUMBER, AREA, TOTAL ALLOWABLE IMPERVIOUS AREA. Rows 1-24 and summary rows.

RECREATION AREA & OPEN SPACE TABULATIONS

Table with columns: DESIGNATION, AREA (S.F.). Rows: TOTAL RECREATION AREA REQUIRED, TOTAL RECREATION AREA PROVIDED, DRY RECREATION AREA REQUIRED, DRY RECREATION AREA PROVIDED, TOTAL OPEN SPACE PROVIDED, OPEN SPACE PARCEL # 1, OPEN SPACE PARCEL # 2, OPEN SPACE PARCEL # 3.

AFFORESTATION AND REFORESTATION TABULATIONS

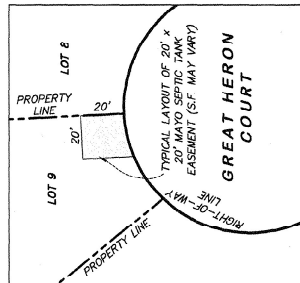
Table with columns: DESIGNATION, AREA (S.F.). Rows: TOTAL EXISTING SITE AREA, MD. RTE. 214 R-O-W DEDICATION, MD. RTE. 214 R-O-W DEDICATION AFTER GREAT HERON DRIVE & GREAT HERON COURT RIGHT-OF-WAY, TOTAL LOT AREA (LOTS 1-26), TOTAL RECREATION AREA PROVIDED, TOTAL OPEN SPACE PROVIDED, SITE WITHIN ZONING R-2, SITE WITHIN ZONING OS, SITE WITHIN 100-YEAR FLOODPLAIN, NON-TOTAL WETLANDS ON-SITE, CRITICAL AREA (LDA), MAX. ALLOWABLE IMPERVIOUS AREA, W/ CRIT. AREA (725,658 SF x 15%), IMPERVIOUS AREA FOR DRIVE AND COURT R-O-W, RECREATION AREA, ALLOWABLE IMPERVIOUS AREA FOR CRITICAL AREA LOTS (1-24), TOTAL IMP. AREA FOR NON-CRITICAL AREA LOTS, TOTAL IMPERVIOUS AREA FOR ALL LOTS (1-26).

Table with columns: GREAT HERON DRIVE, RIGHT-OF-WAY DEDICATION, VARIABLE WIDTH, OPEN SPACE PARCELS 3 & 4, 10' UTILITY EASEMENT, 15' LANDSCAPE EASEMENT, 40' WIDE ACCESS EASEMENT, 10' WIDE ACCESS EASEMENT.

Table with columns: STORMWATER MANAGEMENT EASEMENT LINE TABLE, STORM DRAWING EASEMENT LINE TABLE.

Table with columns: CURVE TABLE.

Table with columns: REFORESTATION & AFFORESTATION EASEMENT LINE TABLE.



MAYO SEPTIC EASEMENT DETAIL

1" = 40'

Approval stamp for Health Department, Anne Arundel County, Maryland, dated 4/13/07.

Professional seal for Raymond D. Fowler, Professional Land Surveyor #21134, Annapolis, Maryland.

Advertisement for Drum, Loyka & Associates, LLC, Civil Engineers - Land Surveyors, 209 West Street, Suite 203, Annapolis, Maryland 21401, 410-280-3122.

SEE PLAT ONE OF THREE FOR OWNERS' DEDICATION, NOTICE TO TITLE EXAMINERS, OWNER CERTIFICATION, SURVEYORS CERTIFICATE, AND OTHER NOTATIONS.

RAYMOND D. FOWLER, PROFESSIONAL LAND SURVEYOR #21134

Witness signatures and dates for Mark W. Egan and John J. Caldera, Jr.

Plat information: FLAT 3 OF 3, MAJOR SUBDIVISION HERON COVE, SUBDIVISION NO. 98-128, PROJECT NO. 01-025, TAX MAP: 60 BLOCK: 9, 10 PARCELS: 40 & 380, SCALE: NO SCALE, DATE: JUNE, 2007, ZIP CODE 21087, DISTRICT: 1ST ANNE ARUNDEL COUNTY, MD.

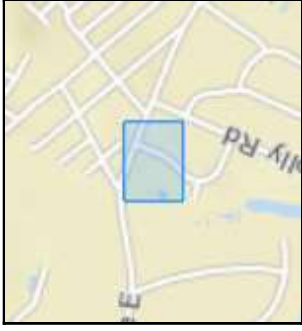
RECORDED IN BOOK _____ PAGE _____ PLAT NO. _____

4/13/07 DATE

4/13/07 DATE

410-280-3122

2023-0148-V



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



Notes

Neamap

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.



THIS MAP IS NOT TO BE USED FOR NAVIGATION