

Pen Mar Environmental Services, LLC

for your environmental permit needs

P.O. Box 6809
Annapolis, MD 21401
443.875.3955

July 18, 2023

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

Re: LETTER OF EXPLANATION
Proposed Pier Reconfiguration
850 North Shore Drive
Glen Burnie, MD 21060
Tax ID #3750-0667-7200

Dear Zoning Analyst,

On behalf of the property owner, Mrs. Kelly Fleischer, I am submitting a variance request for 2.5 feet to the required 15-foot setback of the extended northwest property line for a pier extension and a variance request of 4.5 feet to the 15-foot setback of the extended northeast property line for the same pier extension. This request is in concert with a variance request by the owner of 852 North Shore Drive in an effort to improve the navigation between the two properties. The owners have been working together and a legal agreement has been prepared and executed for this purpose.

The subject property is located at 850 North Shore Drive, Glen Burnie in northern Anne Arundel County (Fig. 1). It is within the Silver Sands subdivision (Fig. 2) which was created in May of 1949. The property is zoned R2 Residential (Fig. 3) and is developed with a single-family home on 5,500 square feet (0.13 ac.) of land area. It exhibits 30 feet of riparian frontage on Long Cove in northern Anne Arundel County and lies within a Limited Development Area (LDA) of the State regulated Critical Area (Fig. 4).

Historically, the subject property was included with Lot 28 as is indicated in the attached 1998 and 2011 Aerial Photos (Figs. 5-6). These photos also show the existing pier, boat lift and platform (proposed for removal) that is currently used by Mrs. Fleisher. Per the tax records, in 2013 the home at 850 North Shore Drive was constructed on Lot 27. Subsequently, in 2018 a building permit for a new pier to be constructed at 852 North Shore Drive was granted and the constructed pier can be seen on the attached 2020 Aerial Photo (Fig.7). As stated, this Variance request is in concert with a Variance request being filed by Mr. Reece Eikenberg, owner of 852 North Shore Drive, Glen Burnie.

Currently the property enjoys the use of 30 feet of waterfront (Fig 8). This includes a 6' wide x 70' long pier with a 9' wide x 10' long platform and 2 boat lifts with four boat lift piles. As the subject property/Lot 27 was split from Lot 28/852 North Shore Drive, one of the two existing boat lifts and its lift piles lie almost entirely on the riparian side of 852 North Shore Drive while the platform and half of the pier lie within the same 15-foot setback. An existing boat lift and lift piles and the other half of the

pier on the northwest side of the pier lie within the 15-foot buffer of the northwest extended property line, but are grandfathered by the code as they have existed for more than 20-years.

As proposed, the plan (Fig. 9) uses the existing pier locations on the subject property and 852 North Shore Drive. The subject pier exhibits a 9' wide x 10' long platform and boat lift with 2 piles on its' east side. By removing this existing 9' wide x 10' long platform and boat lift with piles from the pier on the subject property and installing two boat lift piles within the 15-foot setback on 852 North Shore Drive; it creates 10 feet of navigable width to reach the shore where there is currently 4 feet. Additionally, it is requested that a pier extension be permitted within the setbacks to improve the navigation for docking onto the proposed replacement boat lift. A 6' wide by 30 foot long, tapering to 3' wide, pier extension is proposed to assist with guiding a boat onto the replacement lift in this congested area.

The requested variances will allow for improved navigation between the owners of 850 and 852 North Shore Drive. No other new improvements are requested on the 848 North Shore Drive side of the subject pier. As previously stated, the owners of 850 and 852 North Shore Drive have worked with their legal counsel to reach an Agreement for the owners of each adjacent property to equally enjoy their riparian rights. A copy of this Agreement is attached for reference.

The 30 feet of riparian waterfront combined with the neighboring 50 feet of water-frontage from Lot 28, which was formerly part of the original property, is a limiting factor. It is felt that the proposed plan is less intrusive to the interior setbacks and offers better navigability for the subject property owner and the owner of 852 North Shore Drive. No changes are proposed that would affect the neighboring property at 848 North Shore Drive. It is also not inconsistent with the surrounding properties within the Silver Sands subdivision. The waterfront lots within the subdivision are generally between 40 to 50 feet wide. As indicated on the attached aerial photo (Fig. 10) many of the piers located along the shore of Long Cove appear to be within the setbacks and include various forms of platforms catwalks and multiple boat lifts per pier. Therefore, it is believed this proposed layout would not alter the character of the neighborhood. Given the existing crowded nature of the shoreline, coupled with the fact that the navigation has been improved for the two impacted neighbors, it is felt this is the minimal relief necessary to alleviate congestion while still not denying the subject property owner the use of her property such as is commonly enjoyed by others along this shoreline.

In closing, the proposed pier extension (Fig. 5) would not impair navigation to either adjacent piers and does not extend beyond the allowable $\frac{1}{4}$ distance across the waterway. The proposed improvements do not come any closer to the adjacent property at 848 North Shore Drive. It would increase the distance from those existing improvements by 6 feet on each side, improving the navigable width to reach the shoreline from 4' to 10'. The proposed pier improvements have been designed with consideration to both of the immediately, adjacent properties.

Finally, proposed improvements will not reduce forest cover in a LDA or RCA as all work will occur in tidal waters. No clearing or new impervious surfaces are proposed as a part of this project and therefore it is not subject to replanting requirements. It is not believed that the proposed improvements are detrimental to the public welfare. Given the hardship of the property's minimal width at the water's edge, and the high percentage of existing piers with lifts and/or mooring piles, it is believed this is a minimal request and is not out of character with this waterfront neighborhood. It does not provide for any special privileges to the owner beyond what the surrounding properties with piers currently have. The two impacted neighbors do have a legal agreement in place.

Please review the attached plans and call me at 443.875.3955 or email at 2dmusser1@gmail.com if you have any questions or need any additional information.

Sincerely,

Doug Musser, F.P.O.#011373
Environmental Consultant

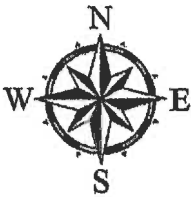
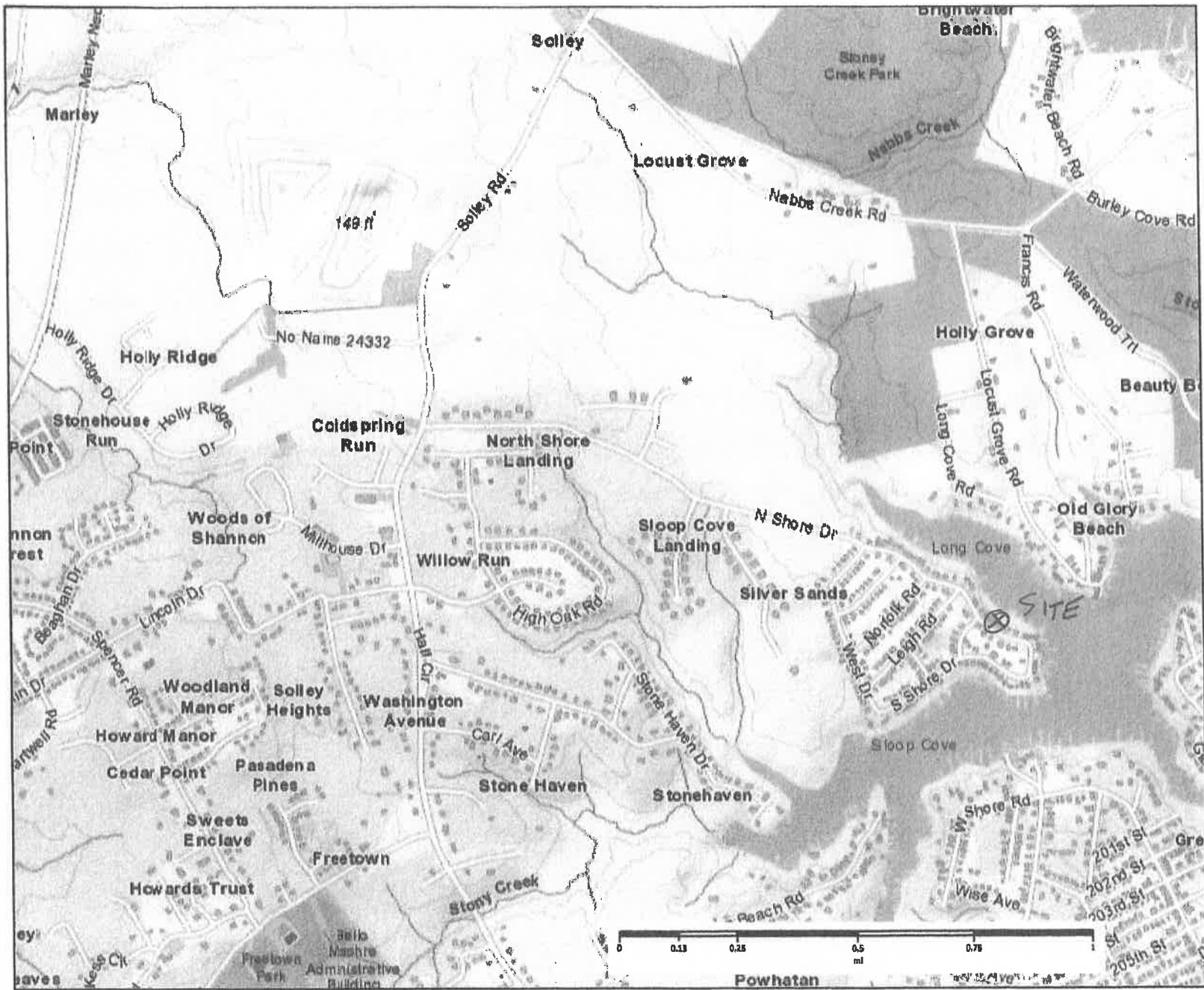
CC: Kelly Fleischer, Owner
Robert Ross, Shoreline Marine Construction

Figures:

- Figure 1 – Vicinity Map
- Figure 2 – Subdivision Map
- Figure 3 – Zoning Map
- Figure 4 – Critical Area Map
- Figure 5 – 1998 Aerial Photo
- Figure 6 – 2011 Aerial Photo
- Figure 7 – 2020 Aerial Photo
- Figure 8 – Existing Conditions Plan
- Figure 9 – Proposed Conditions Plan
- Figure 10 – Aerial Photo of Long Cove

Attachment:

Legal Agreement



Features

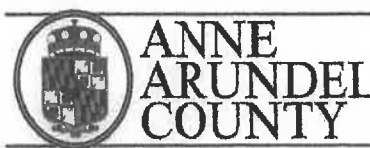
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Fig 1



Vicinity Map - 850 N. Shore Drive

CODE	PLAT	ACRES	AREA	DATE
1	218.87	611.84	1	1974.67
2	218.87	611.84	2	1974.67
3	218.87	611.84	3	1974.67
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99	218.87	611.84	99	1974.67
100	218.87	611.84	100	1974.67



SILVER SANDS.
ON
STONEY CREEK
3RD DISTRICT
AACo, MD.

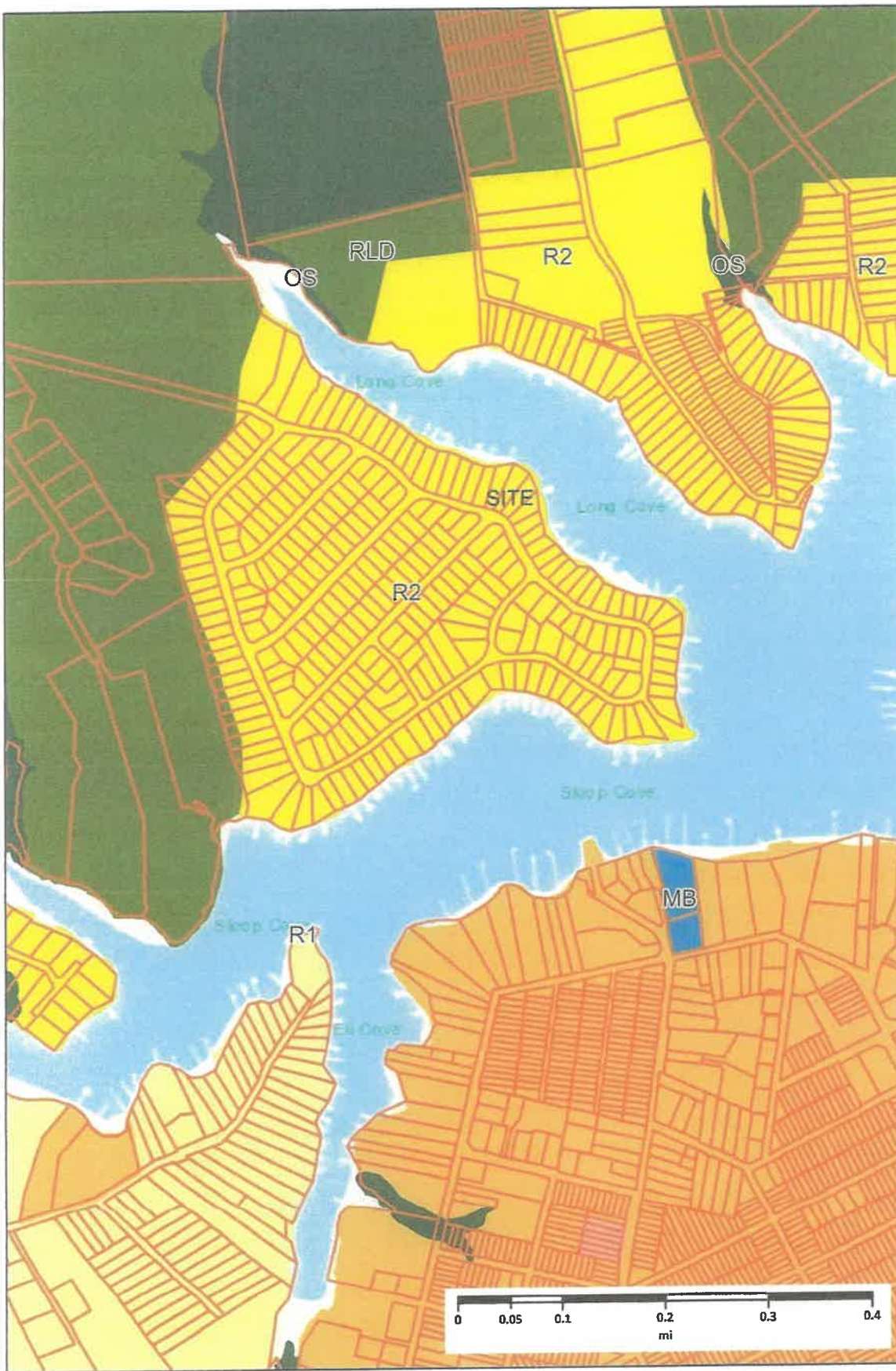
The Measurements of Sections 72A, 72B, 72C, 72D of Article 17 of the Annotated Code of Maryland, 1929 Edition (Title - Classes of Courts, Subtitle - Courts of Circuit Courts) as far as they relate to the making of this Plat and setting of the markers have been compared with the original survey.

William S. Williams
Surveyor General
of Maryland

SCALE - 1" = 100' DATE - MAY, 1949

J.E. McEone, Jr.
ANNAPOLIS, MD.

Fig. 2



Zoning		Features	
Parcels	OS Open Space	O-HIS Odenton Historic	R5 Residential
C1 Commercial - Local	OS Open Space	O-IND Odenton Industrial	RA Rural Agricultural
C2 Commercial - Office	R1 Residential	O-NOD North Odenton	RLD Residential Low Density
C3 Commercial - General	R2 Residential	O-TRA Odenton Transition	SB Small Business
C4 Commercial - Highway	R2 Residential	R10 Residential	TC Town Center
City of Annapolis	R2 Residential	R15 Residential	W1 Industrial Park
MA1-Community Marina	R2 Residential	R22 Residential	W2 Industrial - Light
MA2-Light Commercial Marina	R2 Residential	RS Residential	W3 Industrial - Heavy
MA3-Yacht Club	R2 Residential	RA Rural Agricultural	Water
MB-General Commercial Marina	R2 Residential	RLD Residential Low Density	
MC-Heavy Commercial Marina	R2 Residential	SB Small Business	
HXD-C Mixed Use Commercial	R2 Residential	TC Town Center	
HXD-R Mixed Use Residential	R2 Residential	W1 Industrial Park	
HXD-T Mixed Use Transit	R2 Residential	W2 Industrial - Light	
HXD-E Mixed Use Employment	R2 Residential	W3 Industrial - Heavy	
O-COR Odenton Core	R2 Residential	Water	
O-EOD East Odenton	R2 Residential		

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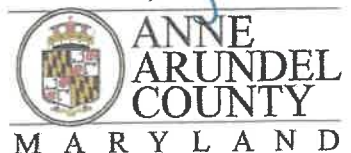
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Zoning Map - 850 North Shore Dr.

Date: 7/18/2023

Time: 10:09 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Anne Arundel County Critical Area Map

Legend

- Road Edge
- Building Foot Print
- Water

Critical Areas

- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intensely Developed Area

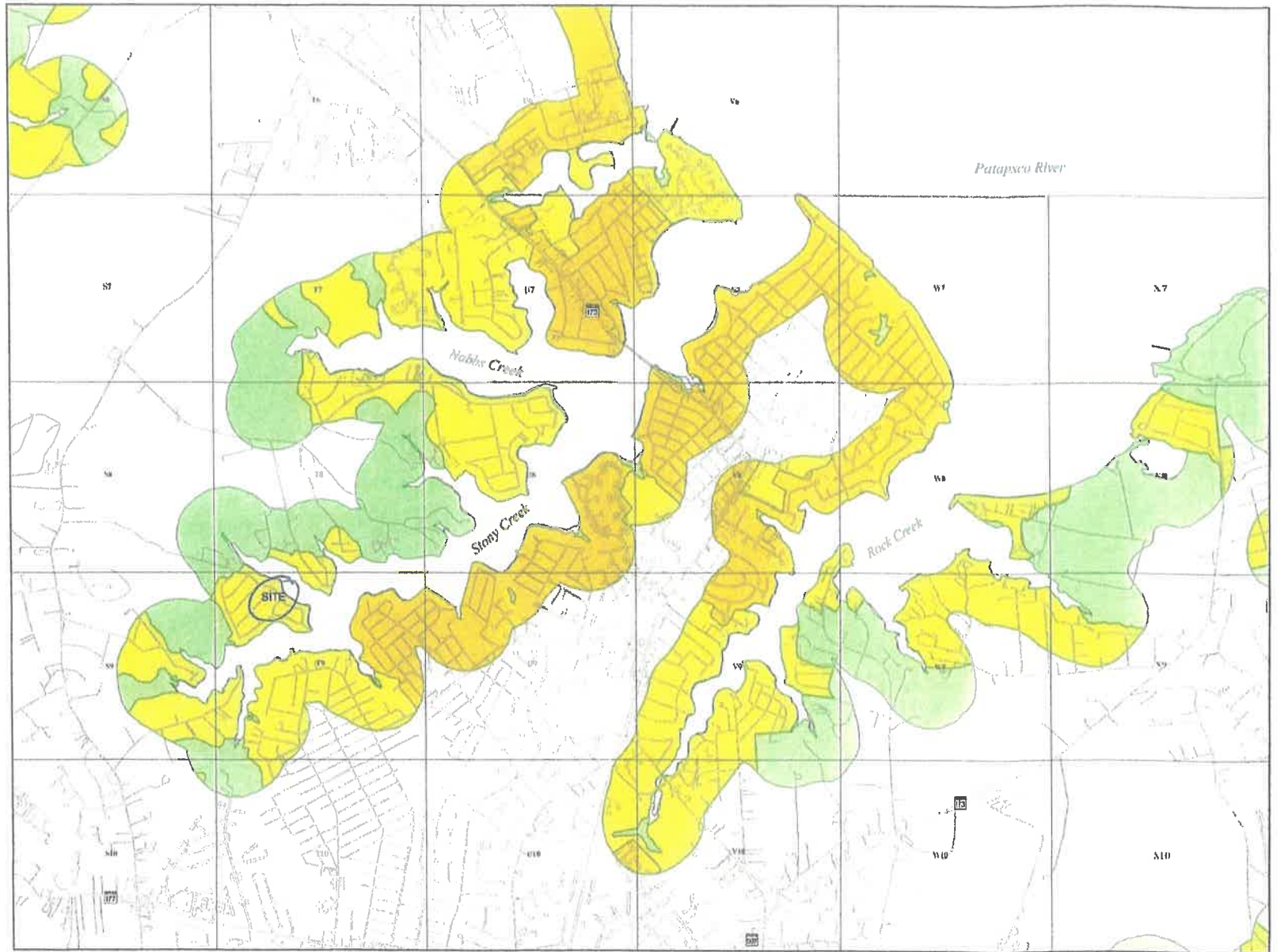
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34	35	36



Sheet No. 7



Map Scale: 1" = 1000'



Drawn January 23, 2007
 File: Z:\Map\2007\CRCA Map Download\Public\Area Map\PublicArea1.pdf
 Map Prepared by Office of Development and Cultural Resources
 Copyright 2007

2007 Photoaerials derived from 2002 aerial photography. Data as of February 27, 2007.
 *Maped Assets available in GIS: shapefiles through the Office of Planning and Zoning.

Fig. 4.

1998 Aerial



Legend

Foundation

Parcels - Annapolis City



Imagery - Color

Color 1998

Red: Red

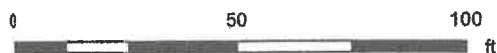
Green: Green

Blue: Blue

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Notes 1" = 50 ft



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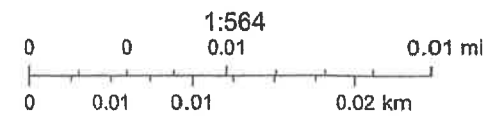
Fig. 5

2011 Photo 850-852 North Shore Dr.



7/18/2023, 9:25:55 AM

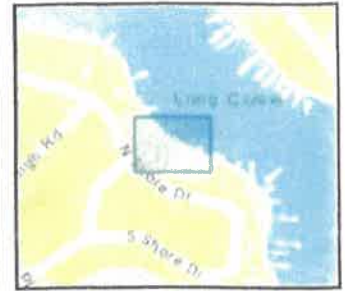
	Local Road Label		Structure Address		Orthophoto 2011		Green: Green
	County Boundary		Parcels		Red: Red		Blue: Blue



Sources: Esri, Albus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijkswaterstaat, GSA, Geoland, FEMA.

Fig. 6

2020 Aerial



Legend

Foundation

Parcels - Annapolis City



Imagery - Color

Color 2020

Red: Red

Green: Green

Blue: Blue

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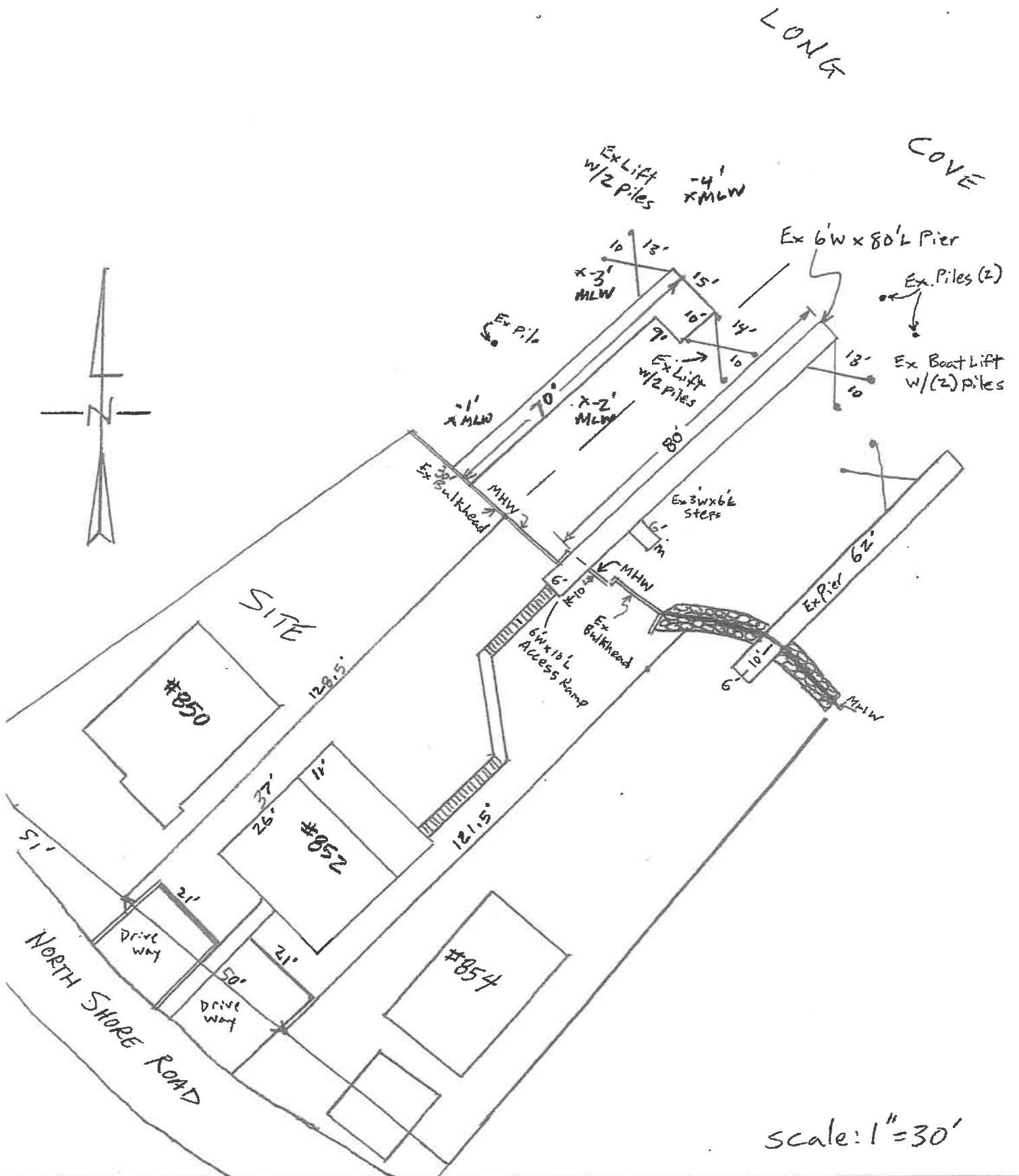


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Notes 1" = 50 ft

Fig. 7



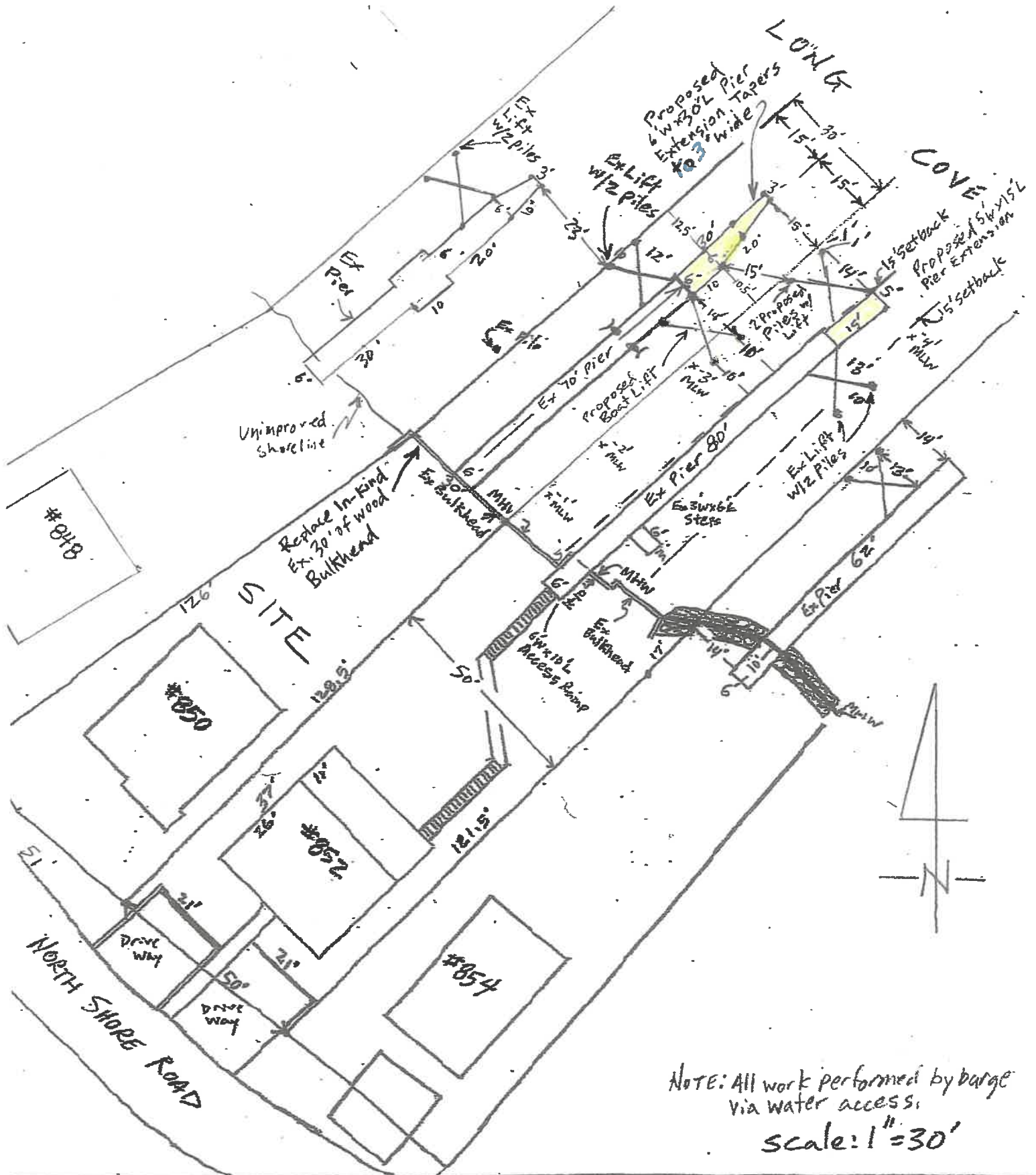


scale: 1" = 30'

Proposed: Pier Extension
 County: Anne Arundel
 Waterway: Long Cove
 Date: 12/7/2022

EXISTING CONDITIONS
 SITE PLAN
 850 North Shore Dr.
 Glen Burnie, MD 21060

Owner: Kelly Fleischer
 85. North Shore Dr.
 Glen Burnie, MD 21060
 Fig 8 of 10



NOTE: All work performed by barge via water access.
 scale: 1" = 30'

Proposed: Pier Extension
 County: Anne Arundel
 Waterway: Long Cove
 Date: 12/7/2022 Rev 7/18/23

PROPOSED CONDITIONS
 SITE PLAN
 850 North Shore Dr.
 Glen Burnie, MD 21060

Owner: Kelly Fleischer
 850 North Shore Dr.
 Glen Burnie, MD 21060
 Fig 1 of 10

Aerial Photo - Long Cove



7/18/2023, 3:37:03 PM

-  Red: Red
-  Green: Green
-  Blue: Blue
-  County Boundary
-  Parcels
-  Structure Address
- Local Road Label
- Orthophoto 2021

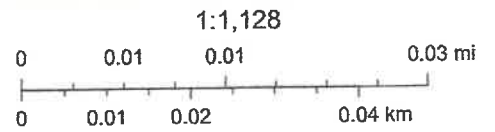


Fig 10

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 12-18-2023

Tax Map #	Parcel #	Block #	Lot #	Section
17	474	01	27	L

Tax ID: 3750-0667-7200

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) Kelly Fleischer aka Kelly Poling Property

Project location/Address 850 North Shore Drive

City Glen Burnie Zip 21060

Local case number

Applicant: Last name Fleischer First name Kelly

Company Owner

Application Type (check all that apply):

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

- Variance - Pier
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Proposed pier extension

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 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 *Pier*

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		<i>5,500</i>
RCA Area		
Total Area		

Total Disturbed Area

Acres	Sq Ft

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
Created Forest/Woodland/Trees		<i>N/A</i>	New Lot Coverage		<i>N/A</i>
Removed Forest/Woodland/Trees			Removed Lot Coverage		<i>N/A</i>
			Total Lot Coverage		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		<i>0</i>	Buffer Forest Clearing		<i>0</i>
Non-Buffer Disturbance		<i>0</i>	Mitigation		<i>0</i>

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other *Pier*

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other *Pier*