

WC 0400-06

Coastline Estate Pier

VAR:

MSA. S. 1829-6147

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

August 10, 2006

Ms. Janet Davis, Critical Area Planner  
Department of Development Review and Permitting  
Worcester County  
One West Market Street, Room 1201  
Snow Hill, MD 21863

VIA FACSIMILE AND US MAIL

RE: Variance Request – Lots 31A and 33A Coastline Estates

Dear Ms. Davis:

Thank you for providing information on the above referenced variance application. The applicant is proposing to construct a shared pier between Lots 31 and 33A in the Coastline Estates Subdivision. Both parcels are designated IDA and are in Buffer Management Area B with a reduced Buffer of 50-feet.

The applicant is requesting to construct this shared pier in excess of the permitted 100 foot length across tidal wetlands. The total length of the pier will extend approximately 213 feet. Previous approvals were given to the applicant to construct the pier under the premise that it would extend no further than 100 feet across the tidal wetlands. Subsequent surveys indicated the need for a further extension. In order to better evaluate the need for such an extension, the Critical Area Commission required additional supporting documentation to be provided for review. A bathymetric survey was conducted by Spencer Rowe, Inc. to determine the possibility of locating the pier closer to shore. The information provided by Mr. Rowe supports the information supplied in the BZA application. Provided this pier is shared between the two lot owners and all appropriate permits are secured by the applicant for the construction of the pier by the appropriate agencies, the Commission would not oppose this variance.

Ms. Janet Davis  
Coastline Estates Variance Request

August 10, 2006  
Page 2

Thank you for the submission of the additional documentation for review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be 'Chris Clark', written in a cursive style.

Chris Clark  
Natural Resources Planner

cc: WC400-06  
Joe Kincaid, MDE Tidal Division

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
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June 29, 2006

Ms. Janet Davis, Critical Area Planner  
Department of Development Review and Permitting  
Worcester County  
One West Market Street, Room 1201  
Snow Hill, MD 21863

VIA FACSIMILE AND US MAIL

RE: Variance Request – Variance Request, Lots 31A and 33A Coastline Estates

Dear Ms. Davis:

Thank you for providing information on the above referenced variance application. The applicant is proposing to construct a shared pier between Lots 31 and 33A in the Coastline Estates Subdivision. Both parcels are designated IDA and are in Buffer Management Area B with a reduced Buffer of 50-feet.

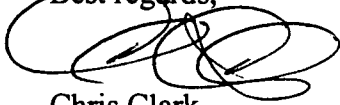
The applicant is requesting to construct this shared pier in excess of the permitted 100 foot length across tidal wetlands. The total length of the pier will extend approximately 213 feet. Previous approvals were given to the applicant to construct the pier under the premise that it would extend no further than 100 feet across the tidal wetlands. Subsequent surveys indicated the need for a further extension. In order to better evaluate the need for such an extension, the Critical Area Commission is requiring additional information to be provided for review. It is noted that pier will cross Sinepuxent Bay at approximately 105-feet before reentering the marsh area. The Commission would like the applicant to provide water depth measurements in this area and an explanation as to why a viable pier could not be located at or near the 105-foot mark labeled Point B on the Plat from Frank G. Lynch & Associates. In addition, further consultation will be sought between the Critical Area Commission and with MDE tidal permits division.

Ms. Janet Davis  
Coastline Estates Variance Request

June 29, 2006  
Page 2

Please provide the requested information as soon as possible so we may be able to provide additional comments and facilitate your request. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over the text "Best regards,".

Chris Clark  
Natural Resources Planner

cc: WC400-06  
Joe Kincaid, MDE Tidal Division

WC 400-06



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863  
TEL: 410-632-1200 / FAX: 410-632-3008

BOARD OF APPEALS  
PLANNING COMMISSION  
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD  
SHORELINE COMMISSION  
LICENSE COMMISSIONERS

### MEMORANDUM

TO: Chris Clark, Natural Resources Planner  
Critical Area Commission for the Chesapeake & Atlantic Coastal Bays

FROM: Janet Davis, Critical Area Planner I

DATE: June 20, 2006

RE: Tax Map 27, Parcel 570, Lots 31 & 33  
Riggin Ridge Road  
Intensely Developed Area (IDA)

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Enclosed is an BZA Application for a variance to the C.A. regulations; specifically, a proposed walkway/pier exceeding 100 feet in length over tidal wetlands. Also enclosed is the corresponding site plan and letter addressing the variance standards. Please provide comments at your earliest convenience. If a site visit is necessary, let me know and we will plan accordingly.

If you have any questions, please do not hesitate to contact me, at Ext. 1144; or email at [jdavis@co.worcester.md.us](mailto:jdavis@co.worcester.md.us).

**RECEIVED**  
JUN 22 2006  
CRITICAL AREA COMMISSION

LAW OFFICE

COWDREY, THOMPSON & KARSTEN

A PROFESSIONAL CORPORATION

ROY B. COWDREY, JR.  
DAVID R. THOMPSON\*  
KURT D. KARSTEN\*  
ROBERT J. MERRIKEN\*  
HUGH CROPPER, IV  
CURTIS H. BOOTH  
BRYNJA McDIVITT BOOTH

9923 STEPHEN DECATUR HIGHWAY, #D-2

P.O. BOX 535

OCEAN CITY, MARYLAND 21843

(410) 213-2681

FAX (410) 213-2685

EASTON OFFICE  
130 N. WASHINGTON ST.  
P.O. BOX 1747  
EASTON, MD 21601

ANNAPOLIS OFFICE  
621 RIDGELY AVENUE  
SUITE 402  
ANNAPOLIS, MD 21401

\* ADMITTED IN MD & VA  
\* ADMITTED IN MD & DC

June 20, 2006

Ms. Janet Davis, Natural Resources Planner  
Worcester County Department of  
Development, Review & Permitting  
Worcester County Government Center  
One West Market Street  
Snow Hill, Maryland 21863

RE: **Critical Area Variance Request, Lots 31A and 33A,  
Coastline Estate**

Dear Ms. Davis:

Please accept the following in support of this request for a variance before the Worcester County Board of Zoning Appeals ("BZA") for a property located within the Atlantic Coastal Bays Critical Area ("Critical Area"). The property is owned by Ocean City Projects, LLC. The property is described as at Lots 31A and 33A on the Coastline Estates Subdivision Plat, Tenth Tax District, Worcester County, and designated on Tax Map 27, as part of Parcel 570. The land use designation within the Critical Area is IDA and the property is in Buffer Management Area B, with a fifty (50) foot buffer.

The applicant has requested a variance to construct a pier extending more than 100 feet across tidal wetlands. According to the survey, the pier will actually extend 213 feet across wetlands, in various locations.

This is an application for a joint or shared pier, which will be a single pier serving Lots 31A and 33A.

The property was originally designated as part of Lot 30, Lots 31-33, part of Lot 19, Lots 18-16, Block 6, and Part of Lot 15, Lots 14-12, Block 7, designated and distinguished on the plat entitled "Bay Shore Acres" dated May 20, 1940, and recorded among the Land Records of Worcester County, Maryland, in Plat Book ODC No. 2, Folios 77, et. seq.

Subsequent to an EDU transfer, the nine full lots were consolidated and designated as Lot Number 16A by virtue of the Declaration of Consolidation, dated

**RECEIVED**

JUN 22 2006

CRITICAL AREA COMMISSION

Ms. Janet Davis  
June 20, 2006  
Page Two

February 20, 2003, and recorded among the Land Records, as aforesaid, in Liber SVH No. 3668, Folios 537, et. seq.

The original owner did not realize the legal force and effect of the Declaration of Consolidation, and the applicant applied for variances from the BZA to permit the resubdivision of the lots. The BZA granted those variances in Case No. 92051, and the total tract, which is approximately 1.2 acres, was resubdivided into Lots 31A and 33A. This resubdivision was accomplished by virtue of the Coastline Estates Subdivision Plat, which is dated August 26, 2005, and recorded among the Land Records, as aforesaid, in Liber SVH No. 201, Folios 68, et. seq. There is a single family home under construction on each of the two lots, both of which are nearing completion. This is an application for a shared or joint pier, to serve each of those single family lots.

The applicant originally applied to the Worcester County Shoreline Commission for a shoreline construction permit. This permit was granted in application number 92035 (copy attached). The Critical Area approval indicated that the pier could not extend more than 100 feet across tidal marsh. A subsequent survey revealed that the pier would extend more than 100 feet across tidal marsh, necessitating the instant variance.

The applicant also applied to the Maryland Department of the Environment and obtained Tidal Wetlands License Number 05-PR-0947, a copy of which is attached.

The property and the structures located on the property meet all other Critical Area law requirements, with the exception of the pier crossing more than 100 feet of tidal wetlands. Indeed, the two single family homes are located outside the 50 foot Critical Area Buffer.

**1. Special conditions or circumstances exist that are peculiar to the applicant's land or structure and a literal enforcement of provisions and requirements of the County's Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship:**

This property has historically enjoyed riparian rights. A portion of Lot 15, and Lots 14, 13, and 12 were all waterfront lots, each of which arguably had riparian rights.

There is a dilapidated pier or boat dock on the northeast side of the property. This dock or pier was utilized for many, many years by prior owners as riparian access.



Ms. Janet Davis  
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Page Three

This property is unique by virtue of its shoreline configuration. Although tidal waters extend within the marsh, those pools or tributaries of tidal waters are shallow and muddy. Attempted navigation in these tidal pools may possibly result in environmental harm. There could possibly be prop dredging and other problems. By allowing the applicant to dock the boat on the shoreline, it would avoid this possible environmental harm.

The access to the pools or tributary is blocked by the old pilings from the old boat dock. In many cases, these pilings are submerged and create a navigational hazard. This is a unique condition to this property.

The property is unique in that a joint or shared pier can be situated on the interior lot line, thereby reducing the impact of two separate parcels.

The property is unique by virtue of its history, which is described previously in this correspondence.

**2. A literal interpretation of the provisions of the County's Atlantic Coastal Bays Critical Area Program and related laws will deprive the applicant of rights commonly enjoyed by other properties in similar area within the Atlantic Coastal Critical Area.**

Bay Shore Acres subdivision is largely developed. It pre-dates the Critical Area law. Much of the development occurred prior to the Critical Area law.

As a result, there are a number of boat docks in the area extending over 100 feet across tidal marsh. Indeed, two properties to the north, have a substantial concrete riprap which extends further east or channelward than the proposed pier.

Inasmuch as virtually all of the properties in this neighborhood enjoy riparian access, denial of this variance would deny the applicant of rights commonly enjoyed by other properties in similar areas.

Perhaps most importantly, the property utilized an old boat dock for many, many years. Unfortunately, that boat dock is beyond repair, but large portions of it still do exist. This proposal is in keeping with the channelward extension of that boat dock.

**3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by the County's Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Program.**

Ms. Janet Davis  
June 20, 2006  
Page Four

As stated in the prior paragraph, much of this neighborhood was built prior to the enactment of the Critical Area law. Most, if not all of the lots in this neighborhood enjoy riparian access. There are a number of boat docks which exceed 100 feet across tidal marsh. The granting of the variance will not confer upon the applicant any special privilege; on the other hand, it would allow the applicant to enjoy the historic riparian rights for this property.

**4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property.**

This is not an after-the-fact variance. The property was served by a boat dock approximately 200 feet in length which was allowed to deteriorate and become dilapidated. The enactment of the Critical Area law with its restriction of constructing a pier more than 100 feet across wetlands has severely constrained the riparian access to this property.

These factors were not the result of the applicant.

The applicant did obtain a Tidal Wetlands License from the Maryland Department of the Environment and a Shoreline Construction Permit from the Worcester County Shoreline Commission. When it was discovered that the pier would need to cross more than 100 feet of tidal wetlands (although in many cases eroding and not stable), the applicant has now applied for this variance.

**5. The granting of a variance shall not adversely affect water quality of adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the County's Atlantic Coastal Bays Critical Area Program.**

The pier has been situated in such a way as to minimize the impact on wetlands. It has been located to cross as little wetlands as possible. The pier has been narrowed to 3 feet.

While standing on the marsh in the location of this pier, if you look north you will see a number of other piers, much longer and larger than the proposed pier. Indeed, approximately two properties to the north, there was a canal excavated and that dredge spoil used to create an earthen berm. The edges of that berm were stabilized with old concrete or a road bed. This extends more channelward than the proposed pier.

Ms. Janet Davis  
June 20, 2006  
Page Five

There is also a large pier to the south, which is the community pier for the Water's Edge development.

In fact, the granting of the variance will improve the plant and water quality. The only access now is through the ponds or tidal estuaries on the property. A portion of these are blocked by the old dilapidated pier with submerged pilings, which are a navigational hazard. Otherwise, the ponds or tributaries are shallow and flat, with a muddy bottom. Utilizing these areas could result in prop dredging, turbidity, and otherwise environmental harm.

Much of the marsh is eroding, full of ditches, and eaten by muskrats. The applicant has not asked for credit for all of the tidal ditches and other small pockets of water on the marsh. The marsh is extremely difficult to walk on, due to its eroding nature. The proposal would limit all foot traffic to the dock, and will eliminate any environmental harm to this marsh.

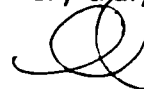
This will be a joint or shared pier. Arguably, the three original lots all enjoyed riparian access. By doing a joint or shared pier, all riparian access will be limited to this pier.

These are platted lots within a much developed subdivision. There is no significant wildlife habitat on the site.

**6. The Board of Zoning Appeals shall not make a decision relative to a request for such a variance without reviewing the comments of the Department and finding that the applicant has satisfied each of the provisions and standards contained herein.**

Hopefully, the Staff will recommend the BZA consider granting the variance.

Very truly yours,



Hugh Cropper, IV

HC/tgb  
Enclosures

CC: Ocean City Projects, LLC  
Attn: K. Tim VanVonno, Managing Member  
Bob Hand



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101

*Van Vorst*

Robert L. Ehrlich, Jr.  
Governor

Kendl P. Philbrick  
Secretary

Michael S. Steele  
Lt. Governor

**TIDAL WETLANDS LICENSE 05-PR-0947**  
Pier and Piling Construction

Jonas A. Jacobson  
Deputy Secretary

Licensee: Ocean City Projects LLC  
Address: c/o Denny Sharp  
4505 Public Landing Wharf Road  
Snow Hill, MD 21863

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To remove an existing pier and walkway and replace with a 3-foot wide by 100-foot long elevated walkway over marsh to a 6-foot wide by 117-foot long pier with an 8-foot by 25-foot "T" platform over open water, all extending a maximum of 125 feet channelward of the mean high water line of the Isle of Wight Bay at 13014 Riggin Ridge Road in Worcester County as depicted on the attached plans dated 1/20/05.

By applying for and receiving this Wetland License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This license is subject to the following conditions:

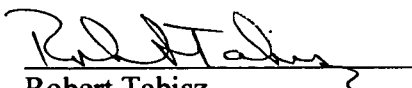
**SPECIAL CONDITIONS**

- A. None.

**GENERAL CONDITIONS**

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet.
- B. The licensee certifies real property interest in the contiguous upland;
- C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;

- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. The construction of any structure or the performance of any activity under this license shall be evidence that the licensee has accepted all of the terms and conditions herein;
- F. This license is void if the licensee fails to obtain all required State, county, or local approvals before beginning work on the licensed structure or activity;
- G. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- H. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- I. The licensee shall notify the Water Management Administration, Inspections and Compliance Division (410) 901-4020 at least 5 days before beginning the structure or activity;
- J. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- K. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.
- L. This license provides no justification or assurances for future dredging. All dredging projects will be evaluated on the biological and physical characteristics of the site at the time an application is made.

  
Robert Tabisz  
Chief, Licensing and Permitting  
Tidal Wetlands Division

Date of Issuance: January 20, 2005

OFFICE USE ONLY

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PERMITTING

OFFICE USE ONLY

Zoning Cert.: \_\_\_\_\_

Permit Fee: \$150.00

Issued By: \_\_\_\_\_

WORCESTER COUNTY

SHORELINE CONSTRUCTION PERMIT

DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Isle of Wight County Offices • 13070 St. Martins Neck Road  
Bishopville, Maryland 21813  
Phone: 410-352-3057  
(PLEASE PRINT IN INK OR TYPE)

Application #: 92035

Date: 2-8-05

Permit Issued: 2-14-05

APPLICANT

LOCATION OF PROPERTY: On Riggin Ridge Road, House # 13014

(Ft.) (Miles) (N) (S) (E) (W) of Ocean City

Subdivision \_\_\_\_\_

Election Dist. 10 Tax Map 29 Parcel 570 Sect. (Lots 17, 18, 31, 32 Block 6)  
(lots 13, 14 Block 7)

USE OR STRUCTURE: Describe To construct a 3'x100' walkway over Marsh leading to a 6'x117' pier over water with a 8'x25' T platform.

MAXIMUM CHANNELWARD DISTANCE 125'; or one-half the distance from the mean high water line to the center line of the body of water upon which the structure is situated, whichever is LESS.

MINIMUM REQUIRED SETBACKS:  
Left Side 8 Ft. Right Side 8 Ft.

Zoning District R-2 Estimated Construction Cost \$25000.00

- Contractor's Home Improvement Lic. # 67384
- Ocean Pines ARC n/a
- Shoreline Commission Approval ~~2005-14~~ 1/20/05
- Corps of Engineers Approval No. 200561343
- DNR Approval No. 05-PR-0947
- Environmental Programs \_\_\_\_\_
- Zoning Approval Janet Davis 2/8/05
- ACB Critical Area Approval [Signature] 2/9/2005  
(Pier cannot exceed 100' over marsh - No clearing permits)
- Other Approvals \_\_\_\_\_

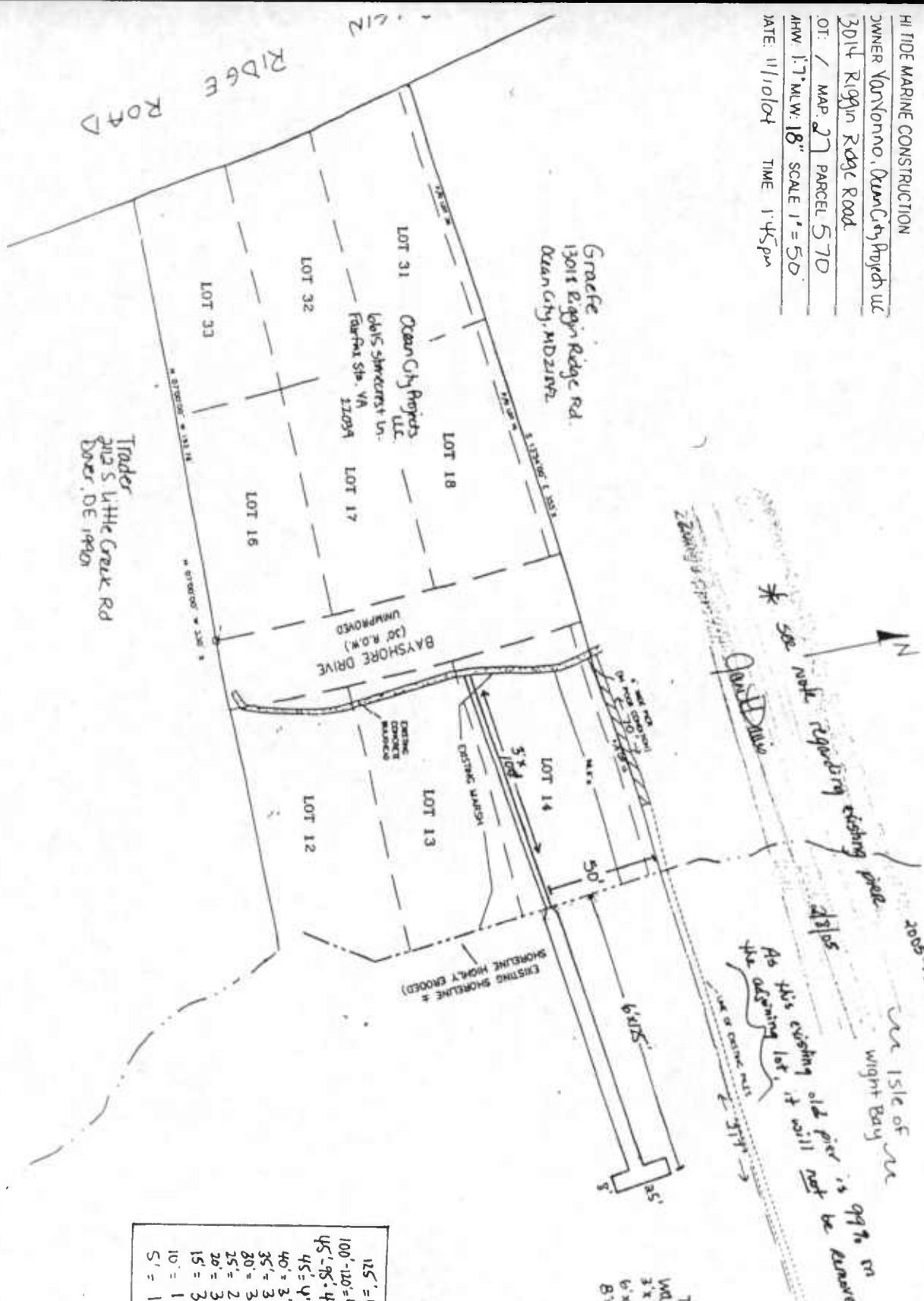
THE OWNER/APPLICANT HEREBY CERTIFIES THAT HE HAS READ AND EXAMINED THIS APPLICATION INCLUDING THE CONDITIONS AND DISCLAIMER ON THE REVERSE SIDE HEREOF AND THAT ALL INFORMATION CONTAINED HEREIN AND IN ANY ATTACHED PLANS AND SPECIFICATIONS IS TRUE AND CORRECT AND FURTHER AGREES THAT ANY MISSTATEMENT OR MISREPRESENTATION OF FACTS OR ANY CHANGE WITHOUT APPROVAL OF THE AGENCIES CONCERNED, SHALL CONSTITUTE GROUNDS FOR DENIAL AND/OR REVOCATION OF THE PERMIT. THE OWNER/APPLICANT SHALL BE REQUIRED TO NOTIFY THE DEPARTMENT OF PLANNING, PERMITS AND INSPECTIONS FOR BUILDING INSPECTIONS AND ZONING APPROVALS GIVING 48 HOURS NOTICE IN ADVANCE.

Owner Tim VanVoorhis, Ocean City Projects LLC. Address 6615 Stonecrest Lane Fairfax Station, VA 22039  
 Signature [Signature] Phone \_\_\_\_\_ Date 2/1/05  
 Applicant Benny Sharp, Hi Tide Marine Const. Address 4525 Public Indg. Rd Snow Hill, MD 21863  
 Signature [Signature] Phone 410 632-1426 Date 2/1/05  
 Builder STAME Address \_\_\_\_\_

APPLICANT

PLEASE SEE OTHER SIDE

HI TIDE MARINE CONSTRUCTION  
 OWNER: VANTONNO, Ocean City Projects LLC  
 3014 Rigin Ridge Road  
 OT: / MAP: 21 PARCEL 57D  
 AHW: 1.7' M.W.: 18" SCALE: 1" = 50'  
 DATE: 11/10/04 TIME: 1:45pm



**Proposed:**  
 TO REMOVE EXISTING DESTRUCTING WALKWAY AND DOCK, CONSTRUCT A NEW 3' x 100' PERP. WALKWAY LEADING TO A 6' x 125' PERP. PIER OVER WATER WITH 8' x 25' T-ends.

125' = 4'
100' - 120' = 4' 8"
45' - 95' = 4' 4"
45' = 4' 2"
40' = 3' 11"
35' = 3' 8"
30' = 3' 4"
25' = 2' 6"
20' = 3' 2"
15' = 3' 8"
10' = 1' 11"
5' = 1' 7"





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MD 21203-1715

**IMPORTANT INFORMATION ABOUT YOUR PROJECT**

Date: January 27, 2005  
Corps Permit No.: 200561343  
MDSPGP-2 Category and Activity No.: I-F3  
Permittee/Project Name: Ocean City Projects, LLC

Dear Applicant:

The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit (MDSPGP-2), provided the work is completed in compliance with the enclosed plan(s), the standard MDSPGP-2 conditions, the applicable MDSPGP-2 activity-specific conditions, and special conditions (enclosed, if applicable). This MDSPGP-2 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-2 authorization for your project may be modified, suspended, or revoked.

Your MDSPGP-2 authorization is valid for three years from the date of this letter, or until September 30, 2006, whichever is sooner, unless the MDSPGP-2 is modified, reissued, or revoked. If the MDSPGP-2 is modified, reissued, or revoked, your authorization may be valid for less than three years. You must remain informed of the changes to the MDSPGP-2. When changes to the MDSPGP-2 occur, a public notice announcing the changes will be issued. If you have not completed this work before the date that the MDSPGP-2 is modified or revoked, you will have 12 months from the effective date of the modification or revocation to complete the work under the present terms and conditions of this MDSPGP-2.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.

Walter Washington, Jr.  
Chief, Maryland Section Southern

Janet M. Vine  
Chief, Maryland Section Northern





**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Kendal P. Philbrick  
Secretary

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Deputy Secretary

**TIDAL WETLANDS LICENSE 05-PR-0947**  
Pier and Piling Construction

Licensee: Ocean City Projects LLC  
Address: c/o Denny Sharp  
4505 Public Landing Wharf Road  
Snow Hill, MD 21863

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

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By applying for and receiving this Wetland License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This license is subject to the following conditions:

**SPECIAL CONDITIONS**

A. None.

**GENERAL CONDITIONS**

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet.
- B. The licensee certifies real property interest in the contiguous upland;
- C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;



SPENCER ROWE, INC.  
12430 Fleetway Drive  
Ocean City, Maryland 21842  
office: 410-213-0127 fax: 410-213-9884

*◦ wetland delineation and permitting ◦ forestry ◦ complete site evaluation*

July 10, 2006

Hugh Cropper, Esq.  
9923 Stephen Decatur Highway  
West Ocean City, MD 21842

Re: Lots 31A and 33A, Riggan Ridge Road, West Ocean City


Dear Hugh:

As you requested, my company has done a bathymetric study on the area of "Point B" as discussed in the letter of June 29 from Critical Area staff regarding the variance request for a pier extension for the above-referenced lots. We are pleased to present this summary report:

FINDINGS:

The mud flat is exposed for some portion of the tide cycle, and the "bottom" is sometimes above Mean Lower Low Water. Based on my observations of July 10 and recorded NOAA tide data, I am confident that for significant portions of many tide cycles there is no water depth whatsoever in the area within the tidal ponds. Average high tides may have 12-18 " of water.

Sincerely,

  
Spencer Rowe

Encl: photos, tide chart,

# WWW Tide and Current Predictor

Pick a different site | Frequently Asked Questions

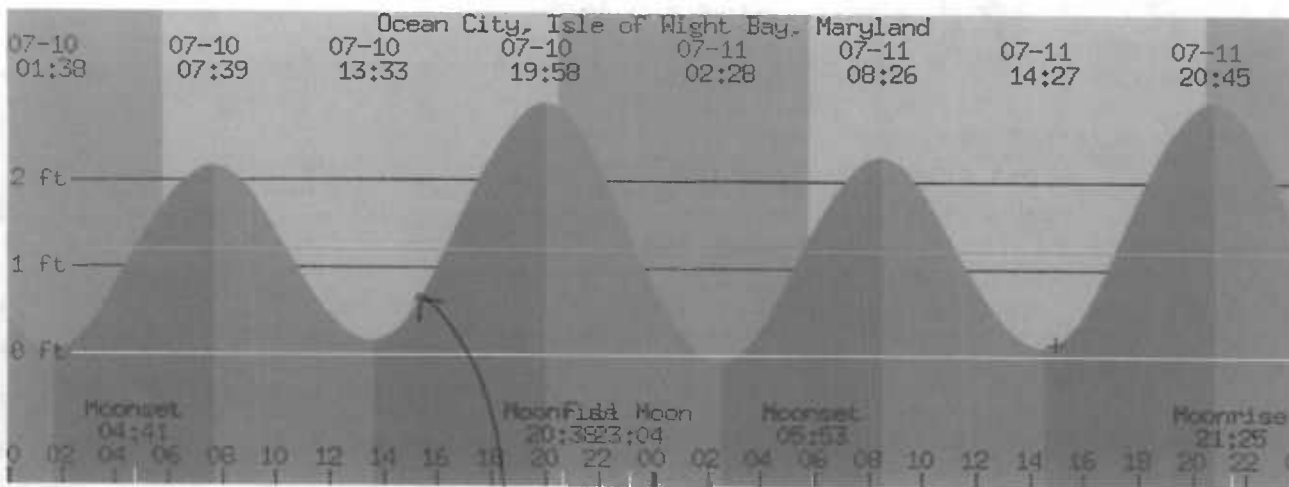
Web interface by Dean Pentcheff, calculations and graphics by David Flater's XTide Program

**NOT FOR NAVIGATION.** This program is furnished in the hope that it will be useful, but **WITHOUT ANY WARRANTY**; without even the implied warranty of merchantability or fitness for a particular purpose. Do not use this program as a basis for any decisions that could result in harm to people, other organisms, or property. Check these predictions against officially sanctioned tables. Agencies like NOAA exist because there is a need for certifiably correct tide predictions. Do not rely on these predictions if you need guaranteed results. There is **NO WAY** we can get certified data on a zero budget. We rely on users like you to tell us when something is wrong. Please continue to do so.

**Remember that weather conditions affect tidal ranges and current speeds, sometimes very strongly.**

## Ocean City, Isle of Wight Bay, Maryland

10 July 2006 - 11 July 2006



If present, horizontal lines mark mean sea level and datum (usually mean lower low water). Colors under the curve indicate rising and falling tide (not ebb and flood currents).

Make Prediction Using Options

## Prediction Options

Select a different site

Select display type

Tabular List (quickest)

Text Plot (Plot Type: Horizontal Vertical) (more plot options below)

Note:

- wind SW 10-12 Kts.
- no weather effect on tide

time of photo (adjusted for distance from tide station)

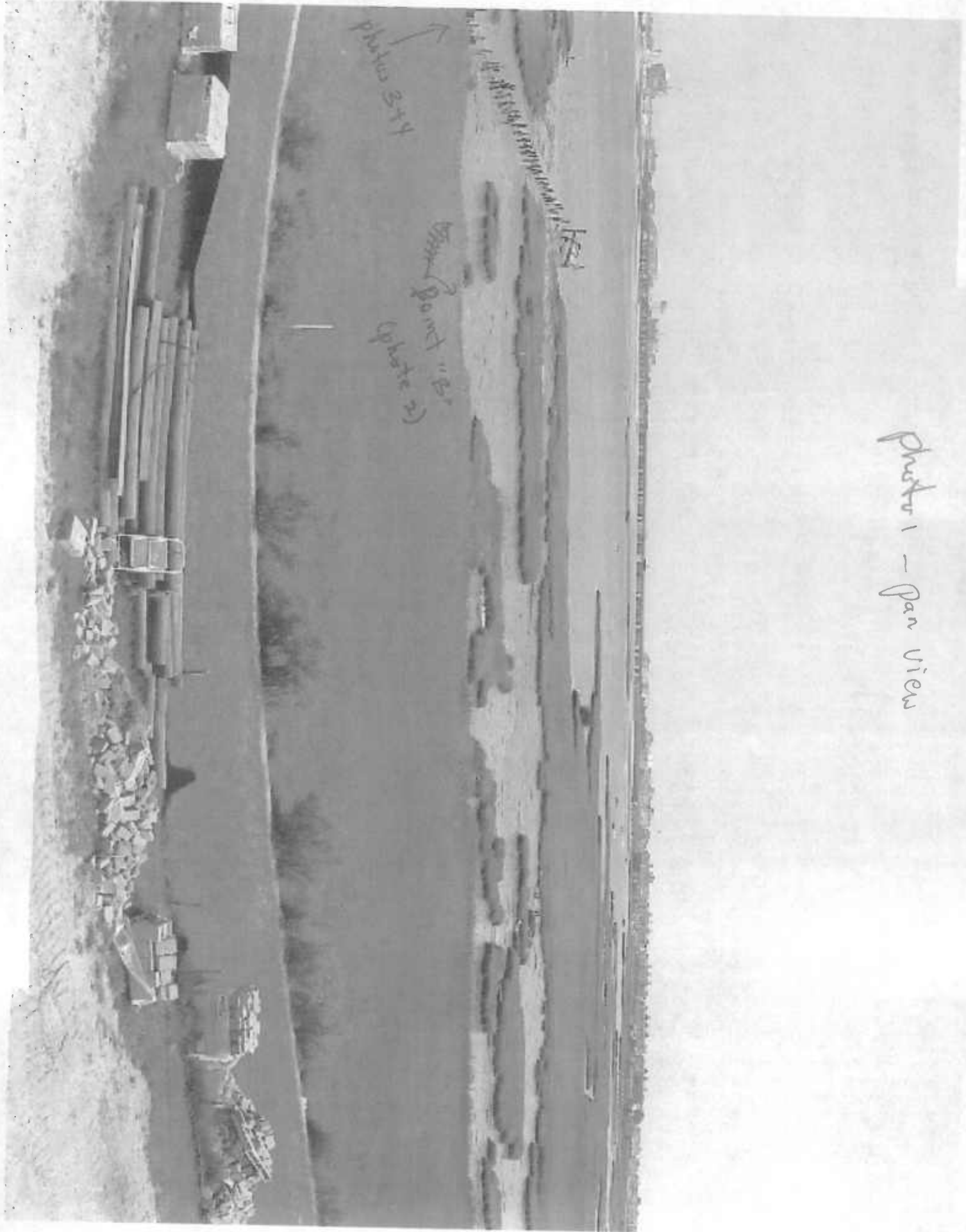
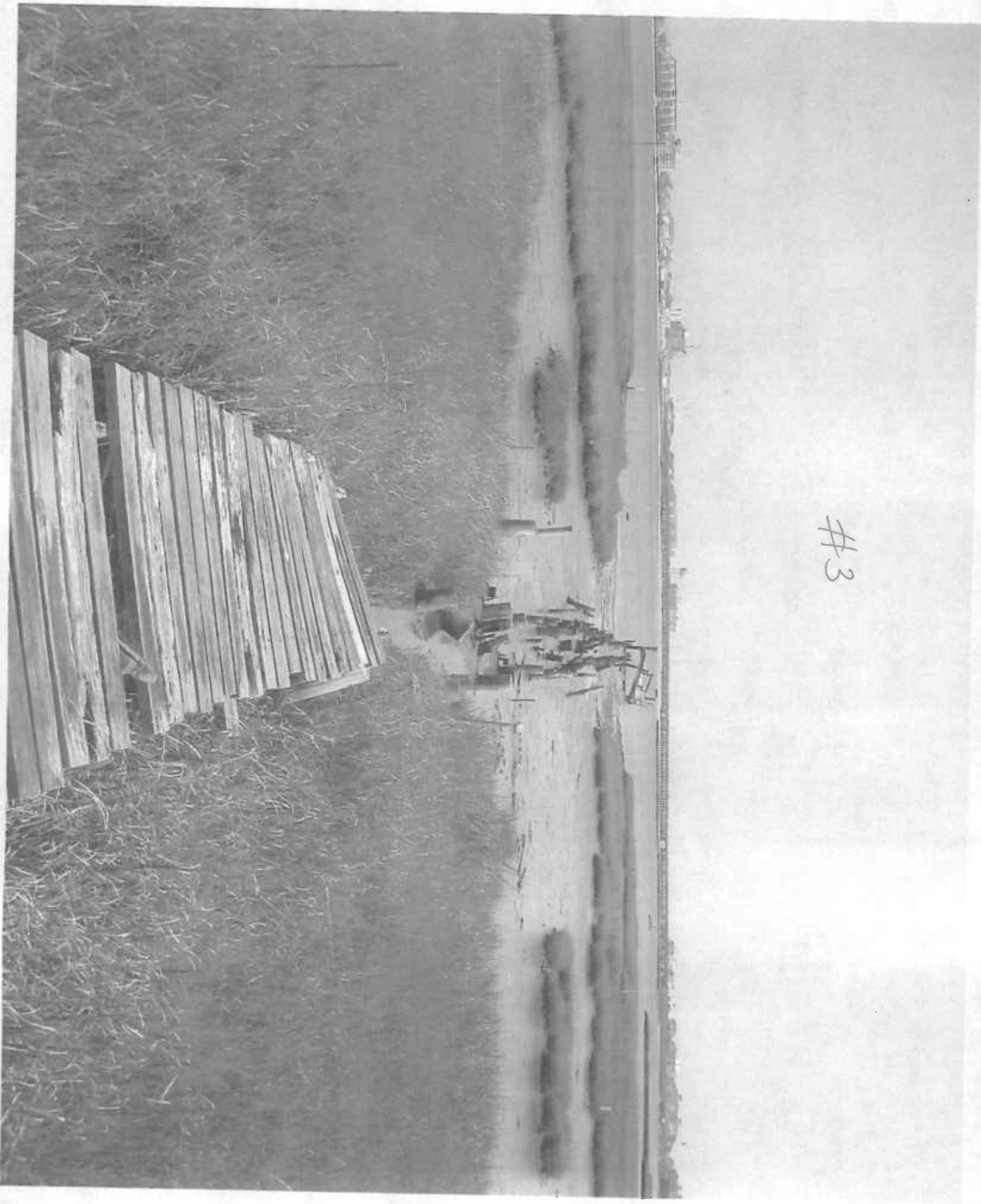


photo 1 - pan view

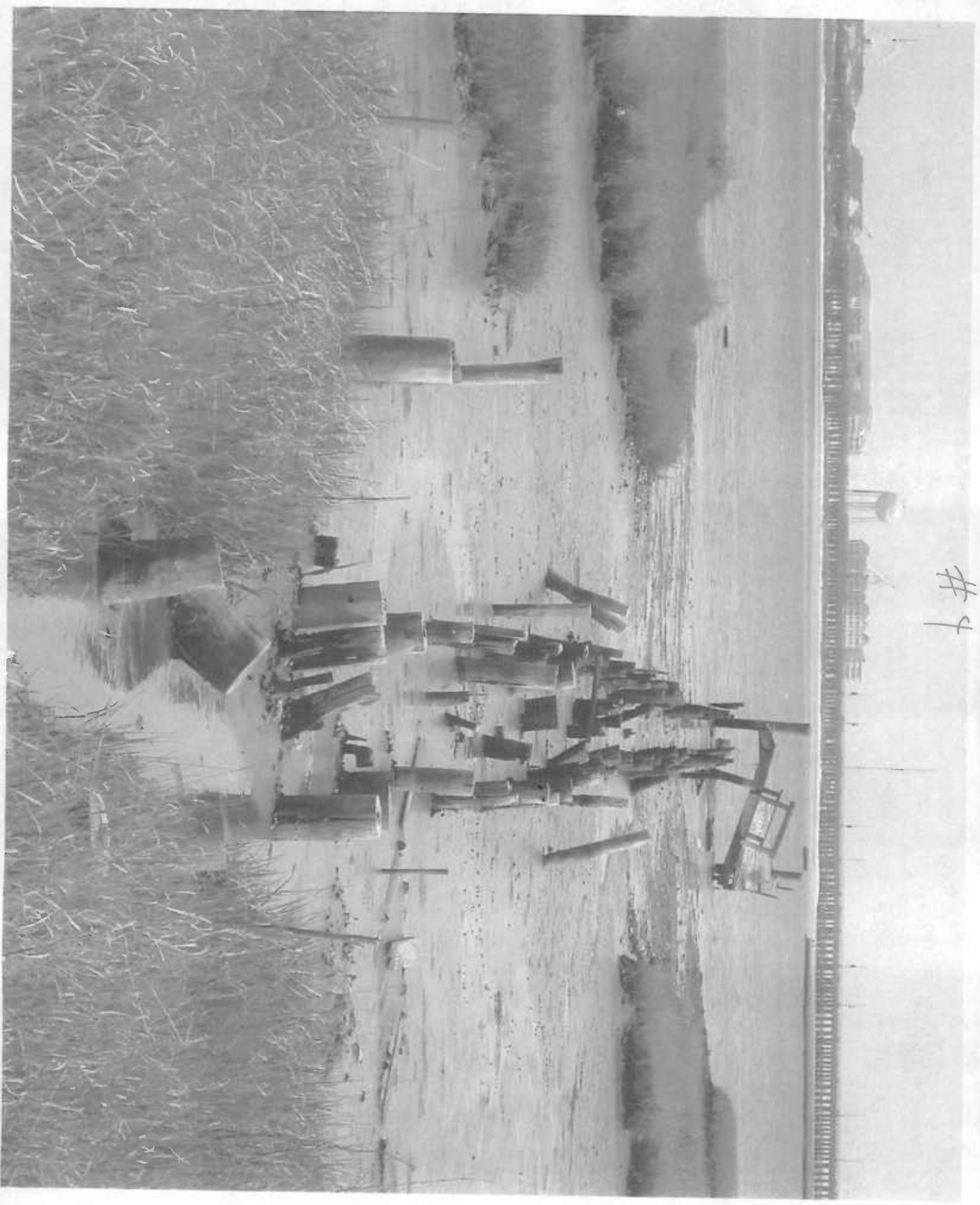


photo #2

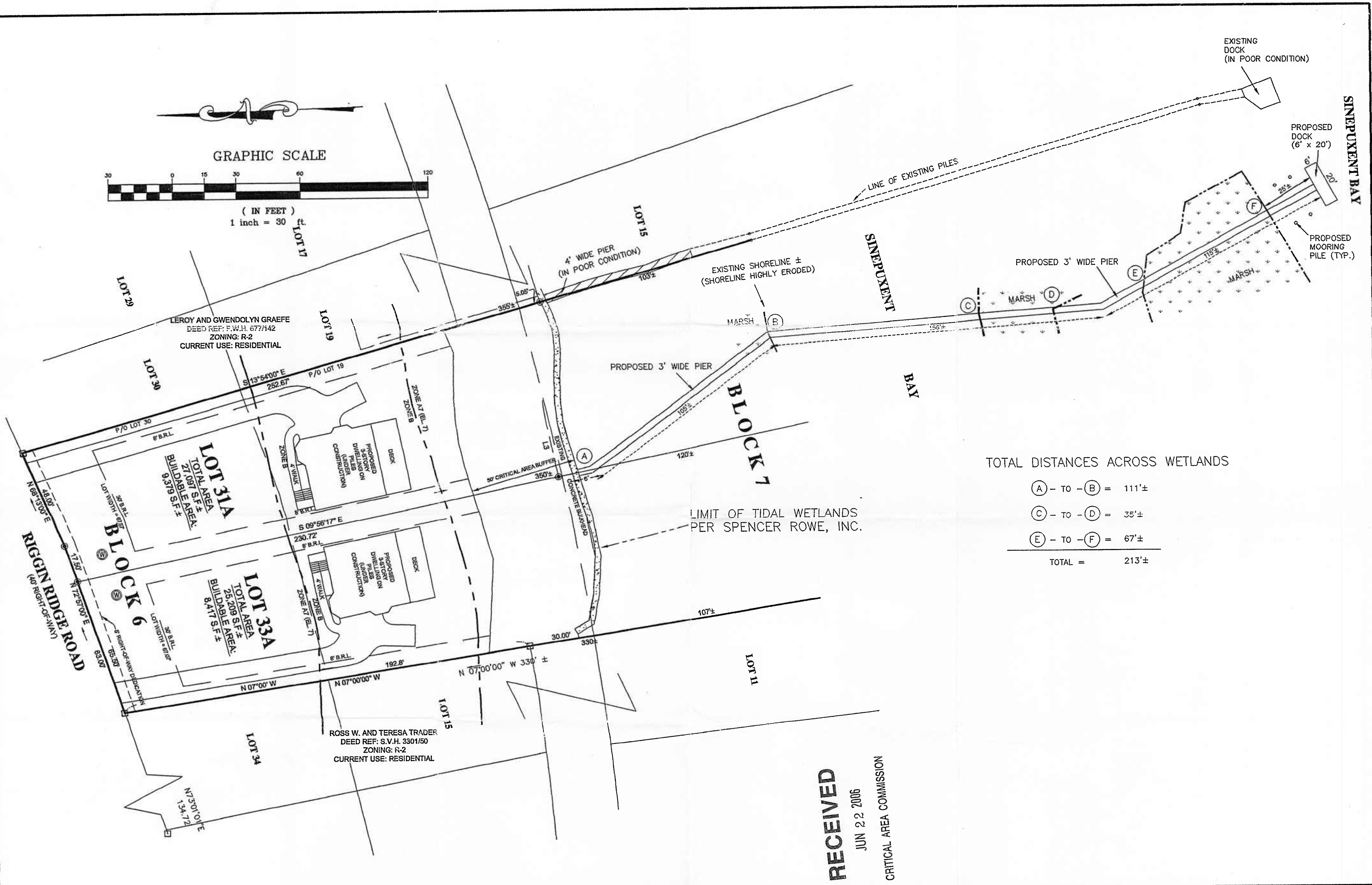
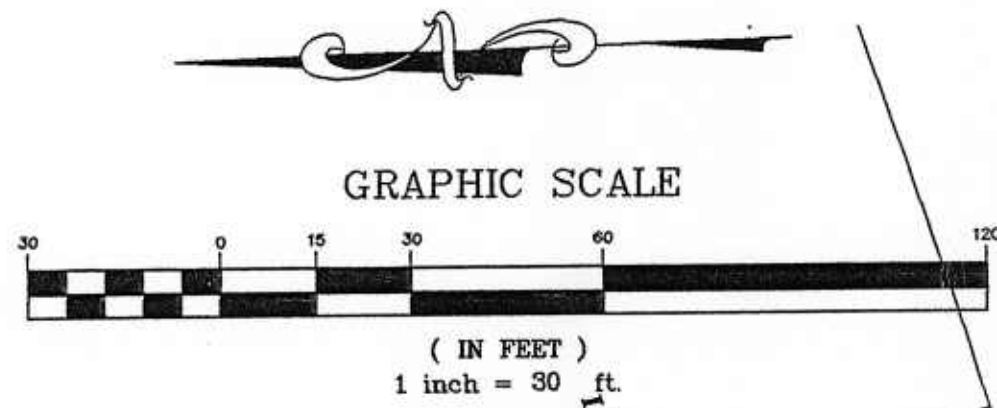
#3



#4



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TOTAL DISTANCES ACROSS WETLANDS

(A) - TO - (B)	= 111'±
(C) - TO - (D)	= 35'±
(E) - TO - (F)	= 67'±
<b>TOTAL</b>	<b>= 213'±</b>

**RECEIVED**  
JUN 22 2006  
CRITICAL AREA COMMISSION

**REFERENCE**  
TAX MAP 27, P/O PARCEL 570  
  
EX. ZONING: R-2  
ZONING SETBACKS:  
FRONT: 30', SIDES: 6', REAR: 30'

BOARD OF ZONING APPEALS EXHIBIT  
PROPOSED DOCK  
COASTLINE ESTATES  
LOTS 31A & 33A  
BAY SHORE ACRES  
TENTH TAX DISTRICT, WORCESTER COUNTY, MARYLAND

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DRAWN BY	R.T. HAMMOND	DATE	06-14-06 REVISED 06-16-06	SHEET 1 OF 1	
CHECKED BY	FRANK G. LYNCH	SCALE	1" = 30'		

DISK#