

July 10, 2024

Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401
Attention: Sterling Seay

**RE: THOMAS PROPERTY
5255 ED PROUT ROAD
LOTHIAN, MD 20711
VARIANCE REQUEST LETTER OF EXPLANATION**

Dear Ms. Seay:

The purpose of this letter is to outline the applicant's request for a variance for the above referenced property. The property is located at 5255 Ed Prout Road in Lothian, MD. It consists of 87,120 square feet. The site is not located in the Chesapeake Bay Critical Area. The site is zoned R-A.. The site does not appear to contain steep slopes but the site does slope from north to south generally. The site is currently developed with a home, sheds, well and septic system. The site is served by well and septic. The site is a flag lot, served by a 40' right of way to Ed Prout Road, a 45' wide public right of way.

The owners constructed an accessory structure, a shed, without proper permits. The structure will require a variance to the front and side yard setback. this is the only variance request. As such, the owner is requesting relief to Article 18-4-301:

§ 18-4-301. Bulk Regulations R-A (In Part)

Minimum setbacks for an accessory structure:

Front Lot Line 50 feet

Side Lot Line 15 feet

The owners wish to perfect the construction of a shed. The location of the shed is noted on the site plan. The property is shown as Lot 1 of the Family Conveyance and Administrative Minor Subdivision of the Moore Property, recorded in plat book 208 page 17. The property, as noted as is a flag lot. The lot meets the 40,000 square foot minimum lot size, and was subject to a family conveyance when it was created. The lot is about half wooded, on the west, rear and front of the existing dwelling. The owner constructed the shed in a location that is not wooded, not steep, and in the area of several accessory structures that exist on Lot 2, which happens to be the owners mothers property. The owners sister lives in the residue of the subdivision between the subject property and Ed Prout Road. Said plat shows a front building restriction line typical of flag lots. The new structure encroaches on the platted building restriction line, as well as the side lot line. The owner attempted to meet setbacks, but a mismeasurement put the structure as shown on the site plan.

The owner constructed the shed in a location where there are at least four accessory structures located on lot 2. Some of the improvements on Lot 2 predate the creation of the subdivision, and as such have been on the property for quite some time. The owner of the new shed constructed it on a piece of land that juts out towards these structures, which, in a site visit and review of aerial imagery, make it have the appearance of a cluster of accessory structures. Visually, the shed fits right in with its surroundings, as intended by the owner. The shed does encroach on the front building restriction line, however, as measured perpendicular from the closest corner of the shed, and the existing principal dwelling, the shed is further from Ed Prout Road than the front of the shed. So by this measure, the shed is located behind the principal dwelling. It does appear that the platted front building restriction line could possibly be rotated so the structure is not over the line, but it would still not meet the 50' front setback. The shed is also located 5.74' from the side lot line on the north east corner of the shed, and 10.36' from the southeast corner of the shed. But as noted above it is located in an area of existing accessory structures, and does not look out of place in its current location. As far as the overall context of the shed to the neighborhood, it does conform with current development in the area. Being an RA zoned property, sheds such as this are a common feature, whether built before regulation, or with or without permits. As such, and noting no tree clearing, it was constructed on lawn, and in close conjunction with surrounding accessory uses, the shed has no visual or realistic impact on adjoining properties. The owner is pursuing permits for the work. He has been working diligently with our office to obtain the necessary permits, the variance being the initial step.

This plan meets the intent of 18-16-305(a):

1. The subject property is a flag lot, with about half of the site wooded, and encumbered by existing development and a septic system. The shed was constructed in a location to avoid these issues, and to conform with neighboring development, this location would have been chosen had a permit been applied for to construct the shed.
2. The practical difficulties in the placement of the shed are largely identified above. The shed was constructed in a location where it meets setbacks to the well, is away from the existing dwelling and does not impact the woodlands on the site. It is certainly within the character of the neighborhood, and offers little to no visual impact to adjoining or from Ed Prout Road.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover. The work performed will not be contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is to perfect a 510 square foot shed constructed on a concrete foundation without a permit, in an area where it has little to no impact on the subject property or its neighbor.

i. This variance will not alter the essential character of the neighborhood. The shed is tucked in among existing accessory structures on the neighboring lot.

ii. This variance will not impair the use of adjoining properties. The location of the shed is perfect for the neighborhood, it just doesn't meet zoning setbacks.

iii. This construction required no tree clearing. The site is not in the Critical Area.

iv. No work will be performed contrary to approved clearing practices, and the site is not located in the Critical Area.

v. The project will not be detrimental to the public welfare, as it is located on private property.

The development shown will provide the least amount of environmental impacts, while allowing the owners to improve their property in a manner in keeping with other accessory structures in the neighborhood.

In closing, the variances requested are the minimum necessary to afford relief. This shed will cause no ill effects to the environment or the neighborhood. This variance will provide the owner with a use that is in harmony with this existing pattern of development.

Should you have any questions, comments, or require any additional information, please do not hesitate to contact me directly at 410-897-9290.

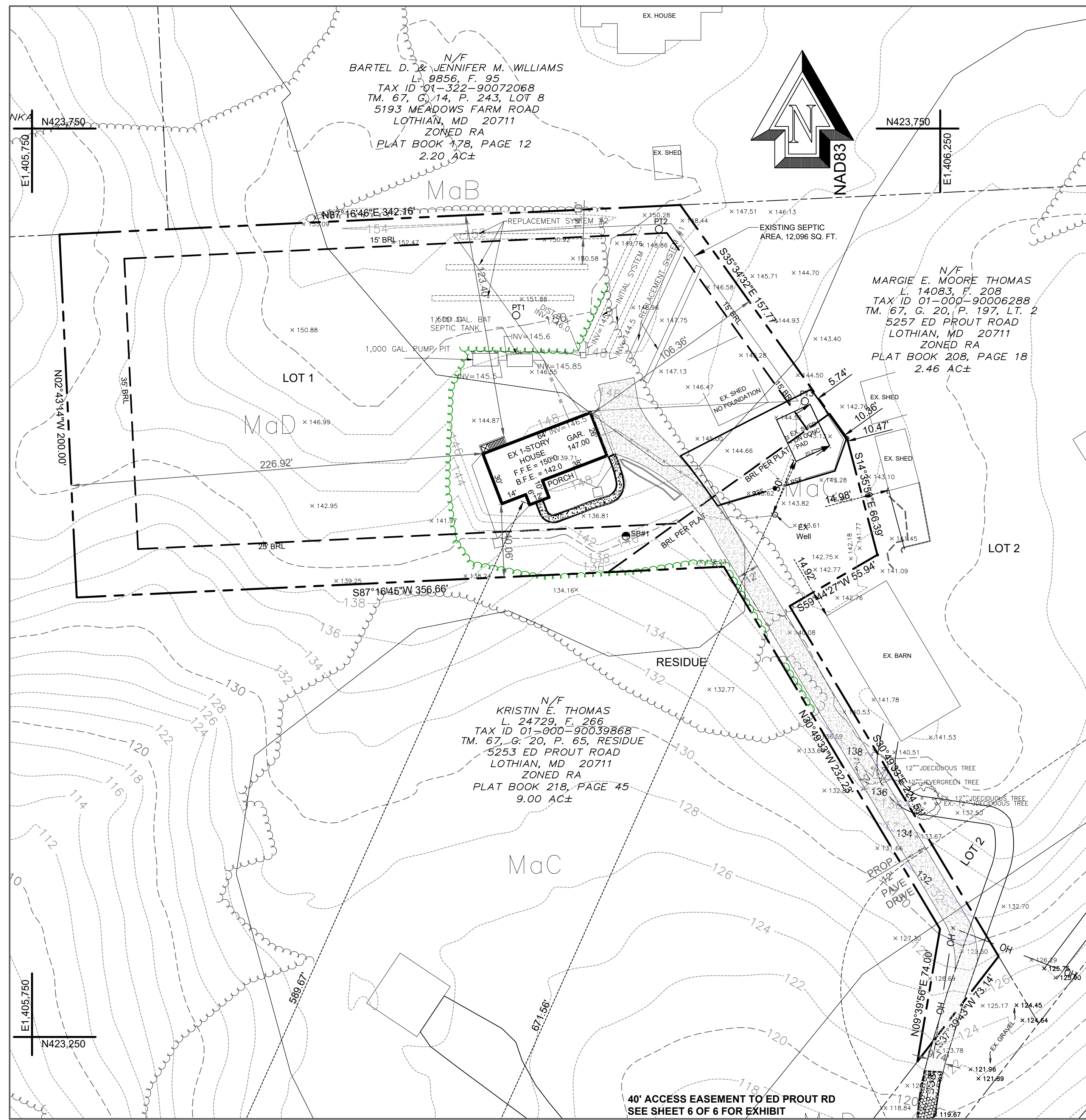
Sincerely,

Atwell LLC

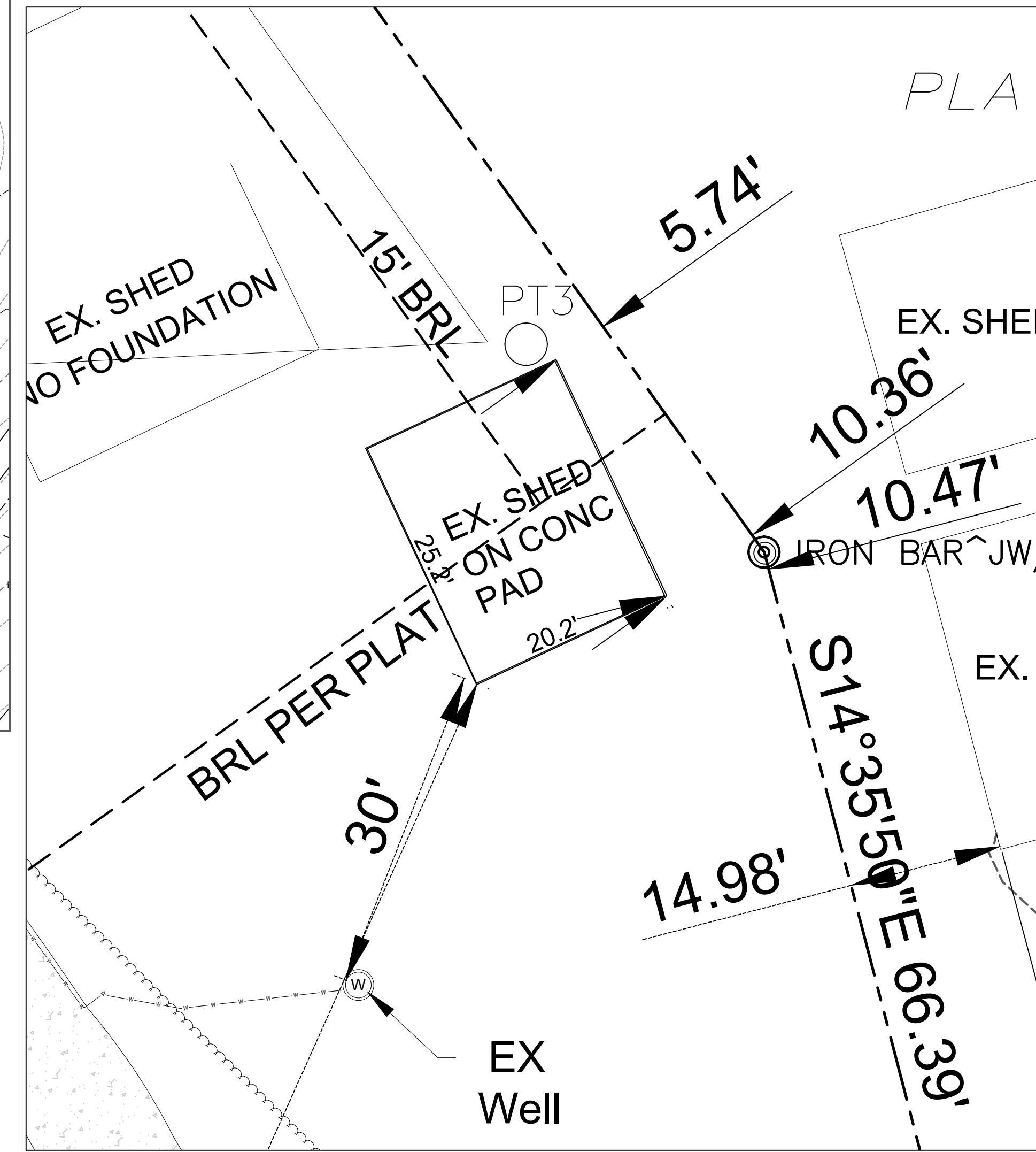
Mike Gillespie

Mike Gillespie

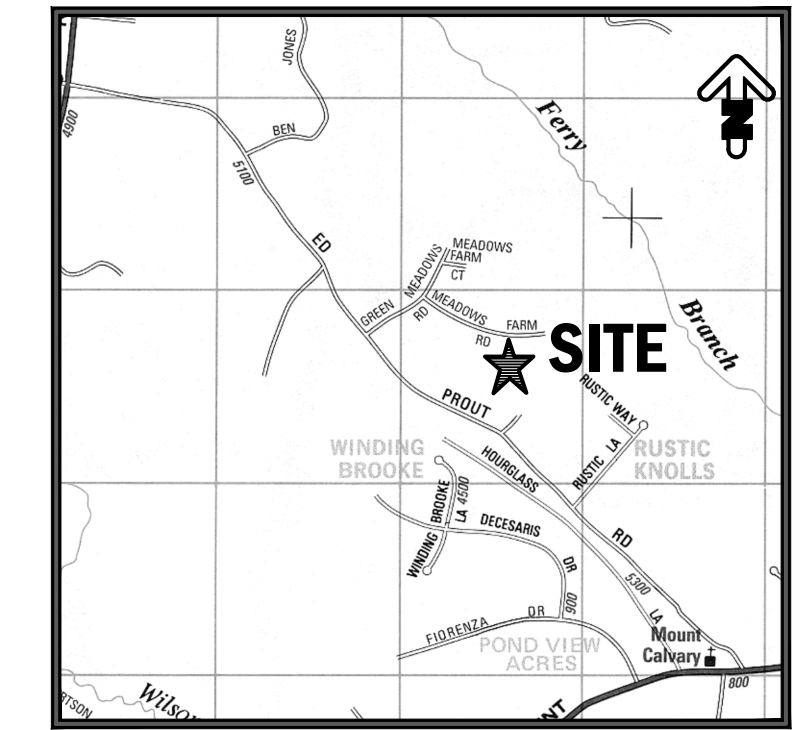
cc. client, file



VARIANCE SITE PLAN
SCALE: 1" = 40'



BLOW UP
SCALE: 1" = 10'



VICINITY MAP
SCALE: 1" = 2000'
ADC PERMITTED USE NUMBER 21003176

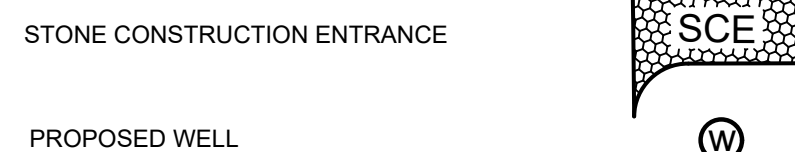
- OWNER:
JUSTIN & CASSANDRA THOMAS
5255 ED PROUT ROAD
LOTHIAN, MD 20711
PHONE: 443-336-0251
EMAIL: JUSTINTHOMAS9887@YAHOO.COM
- ENGINEER:
MESSICK & ASSOCIATES
7 OLD SOLOMONS ISLAND RD
ANNAPOLIS, MD 21401
410-266-3212
C/O MIKE GILLESPIE
- THE SITE ADDRESS IS: 5255 ED PROUT ROAD LOTHIAN, MD 20711
- THE PROPERTY IS KNOWN AS:
TAX MAP 67, GRID 20, PARCEL 65 ; TOTAL AREA = 87,120 SQ. FT. OR 2.00 AC. ; DEED REF: 36180 / 453
- TAX ACCOUNT NO. 01-000-90100614
- EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING 2014.
- THIS PLAN WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.
- EXISTING ZONING OF THE SITE IS RA
SETBACKS PRINCIPAL STRUCTURE:
FRONT = 40'
SIDE = 10/40'
REAR = 35'
- SETBACKS ACCESSORY STRUCTURE:
FRONT = 50'
SIDE = 15'
REAR = 15'
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE CURRENTLY UTILIZES A PRIVATE WELL AND PRIVATE SEPTIC.
- WATER AND SEWER CATEGORIES
WATER - NO SERVICE - (W-11, RURAL)
SEWER - NO SERVICE - (S-11, RURAL)
- TOTAL DISTURBED AREA = 3,190 SQ. FT.

VARIANCE REQUEST

18-4-301. RA BULK REGULATIONS
AN ACCESSORY STRUCTURE IS REQUIRED TO BE 15' FROM A SIDE LOT LINE AND 50' FROM A FRONT LOT LINE
18-2-204(b) ACCESSORY STRUCTURES IN THE FRONT YARD
(b) ACCESS RAMPS TO ACCOMMODATE A PERSON UNDER DISABILITY, DRIVEWAYS, PAVED OR GRAVEL AT-GRADE SURFACES, FENCES, NOISE BARRIERS OR NOISE WALLS, SIGNS, WALKWAYS EIGHT INCHES OR LESS ABOVE GRADE, AND WALLS MAY BE LOCATED IN THE FRONT YARD. WHEN A NEW PRINCIPAL STRUCTURE IS CONSTRUCTED IN AN RA OR RLD DISTRICT, AN EXISTING BARN MAY BE RETAINED IN THE FRONT YARD. OTHERWISE, AN ACCESSORY STRUCTURE MAY NOT BE LOCATED IN THE FRONT YARD OF A NONWATERFRONT LOT.

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---
EXISTING CONTOUR	--- 142 ---
EXISTING SPOT ELEVATION	30.50
EXISTING WOODSLINE	~~~~~
EXISTING UTILITY POLE W/ OVERHEAD WIRE	⌘-----⌘
EXISTING FENCE	x-----x
PROPOSED CONTOUR	--- 142 ---
PROPOSED SPOT ELEVATION	30.50
PROPOSED WOODS LINE	~~~~~
LIMIT OF DISTURBANCE	---•---
REINFORCED SILT FENCE	---RSF---



CALL "MISS UTILITY"
TELEPHONE 1-800-257-7777
FOR UTILITY LOCATION AT
LEAST 48 HOURS BEFORE
BEGINNING CONSTRUCTION.

REVISION DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES *
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

OWNER/DEVELOPER:
JUSTIN & CASSANDRA THOMAS
5255 ED PROUT ROAD
LOTHIAN, MD 20711
(T): 443-336-0251
(E): JUSTINTHOMAS9887@YAHOO.COM

VARIANCE SITE PLAN

THOMAS PROPERTY
VARIANCE SITE PLAN
5255 ED PROUT ROAD
LOTHIAN, MD 20711

TAX MAP: 67 GRID: 20 PARCEL: 65 ZONING: R-A
FIRST ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND 20711
SCALE: AS SHOWN DATE: JULY 2024 SHEET: 1 OF 1

Christina McNicholas

From: Mike Gillespie
Sent: Friday, July 19, 2024 9:55 AM
To: Christina McNicholas
Subject: FW: Pre File Necessity Question

From: Joan Jenkins <pzjenk00@aacounty.org>
Sent: Friday, July 19, 2024 9:23 AM
To: Mike Gillespie <mgillespie@messickandassociates.com>
Subject: Re: Pre File Necessity Question

Yes, that is correct. No pre-file required for an after-the-fact to perfect a situation. Please be clear in the application letter that the structure is already built.

Joan A. Jenkins
Office of Planning and Zoning
Planner II, Zoning Administration Section
(410) 222-7437

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On Fri, Jul 19, 2024 at 9:12 AM Mike Gillespie <mgillespie@messickandassociates.com> wrote:

Hello Joan happy Friday

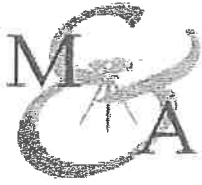
I have an after the fact non critical area zoning variance application.

I think Rob told me in the past that I don't need a prefile for one of these.

Is that the case still?

thank you

Mike



Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects

Mike Gillespie, Project Manager

Messick Group Inc. T/A Messick & Associates

7 Old Solomons Island Rd Ste 202

Annapolis, MD 21401

www.messickandassociates.com

Office: 410-266-3212

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