

**Variance Application – Tribes Motorcycle Club, Inc.**

103 Friendship Road, Friendship, MD 20758

Tax Map 81, P. 189 | SDAT ID: 0800090042348

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**Letter of Explanation**

Tribes Motorcycle Club, Inc. (“Tribes”) is the owner of the real property known as 103 Friendship Road, Friendship, MD 20758, Tax ID 0800090042348 (“Subject Property”), and described by a Confirmatory Deed dated November 9, 2021, recorded in Land Records for Anne Arundel County at Book 38214, page 350, filed herewith. Tribes first purchased the Subject Property in 1989 pursuant to a deed recorded in Land Records at Book 4880, page 22, filed herewith, and has continuously owned the Subject Property since.<sup>1</sup> The Subject Property is located in the RA – Rural Agricultural zoning district.<sup>2</sup> Tribes operates a private motorcycle club and has done so since its incorporation in 1975 (the “Club”). Tribes has been using the Subject Property as the premises for the Club since Tribes’ purchase in 1989.

On July 18, 2024, Anne Arundel County filed a Complaint for Permanent and Mandatory Injunction and Other Relief in the District Court of Maryland for Anne Arundel County (Case No.: D-07-CV-24-016146) (“Complaint”). In the Complaint, the County asserted that the use of a “private club with less than 125 onsite parking spaces” is not permitted at the Subject Property, which is zoned RA – Rural Agricultural. A “private club” is defined by §18-1-101(102) of the Code as “an establishment that provides facilities for members for social or recreational purposes, is not open to the public, is not operated for profit or commercial purposes, and is exempt from taxation under §501(c) of the Internal Revenue Code.” Pursuant to §18-4-106 of the Code, a private club with less than 125 parking spaces is a conditional use in the RA district and is, thus, subject to the conditions laid out in §18-10-119 of the Code. The County determined that this use is “prohibited” because it does not comply with §18-10-119(1) which requires that “each structure shall be located at least 100 feet from all lot lines.”

This Complaint was the only pending enforcement action against Tribes in the County. The Complaint has since been resolved with a Consent Judgment ordered by the District Court. The Consent Judgment allowed Tribes time to submit any applications necessary to allow the use of the Subject Property as a motorcycle club. Therefore, Tribes submits this variance application

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<sup>1</sup> The 2021 Confirmatory Deed was executed after a dispute arose over the location of the boundary lines for the Subject Property and the adjoining property at 102 Friendship Road, owned by Derek and Stacy Tranter. Tribes hired John Dowling to survey the Subject Property and create an updated plat to be recorded with the Confirmatory Deed to confirm the boundary lines that the Club has adhered to since 1989. This is further detailed in the Circuit Court decision by the Honorable Judge Asti in Case No. C-02-CV-22-001658 included with this application.

<sup>2</sup> The Subject Property is not within any designated Chesapeake Bay Critical Area districts. Because this property is not located in the critical area, there is no Critical Area Project Notification Application Form submitted with this application. Similarly, there is no Critical Area Narrative including a topographic map obtained from the OPZ map room submitted with this application as applications for variances not within the critical area are not required to do so.

in addition to an application for a Twenty-Year Registered Use as alternative means to permit the motorcycle club.<sup>3</sup>

Tribes seeks a variance to the condition set forth in 18-10-119(1) requiring structures serving the use of a private club to be located at least 100 feet from all boundary lines.<sup>4</sup> The Subject Property is an irregular long triangular shape as shown on the attached site plan. This variance would establish permission for the Club to continuing using the Subject Property as a “private club” as it has since 1989. As denoted on the Nonconforming Use Plat included with this application, the existing structures on the Subject Property are almost entirely located within the 100-foot setback requirement. These structures have existed in, or have been replaced in, the same location for over twenty years. For the reasons stated herein, Tribes can demonstrate that each of the required variance criteria is established such that approval of the variance is warranted to allow the existing structures to remain within the 100-foot setbacks as conditioned by §18-10-119(1). Specifically, Tribes is seeking the following variances, as shown on the plat:

1. A variance of 100 feet to the 100-foot setbacks per §18-10-119(1) of the Anne Arundel County Code for the northern boundary line of the Subject Property.
2. A variance of 100 feet to the 100-foot setbacks per §18-10-119(1) of the Anne Arundel County Code for the eastern boundary line of the Subject Property.

The standards for zoning variances are laid out in §18-16-305 of the Code. The following identifies the criteria the Administrative Hearing Officer must consider. Tribes provides a response for why each criteria is established based on the evidence submitted with this application.

**§18-16-305(a) Requirements for zoning variances.** The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of the lot size and shape or exceptional topographical conditions peculiar to and inherent to the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or**

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<sup>3</sup> It is Tribes’ position that because the Club has operated at the Subject Property, in violation of Article 18, for over twenty-years, under the same ownership, that the use is allowed by right pursuant to §18-15-101(e) of the Code. Nonetheless, the County instructed Tribes to apply for a variance in order to cure the violations for the structures that exist within the setbacks, which is the subject of the Complaint. Thus, in an effort to bring this Subject Property into compliance, Tribes has applied for both a twenty-year registered use and a variance as alternative avenues for approval of the private club.

<sup>4</sup> A pre-file was not submitted for this variance application because it does not concern any of those variance categories that require a pre-file.

**Response:** As demonstrated by the Nonconforming Use Plat and the 1984 Subdivision Plat, recorded in land records, which are both included with this application, the configuration of the Subject Property is significantly irregular in that it is a hexagon-shaped lot with the eastern and western boundary lines meeting at a very narrow point at the lot's southernmost boundary marker, and the northernmost boundary line providing the most width at roughly 380-feet. The total square footage of the lot is 204,122+/- sq. ft (or 4.686 acres), more or less. If the 100-foot setbacks were strictly enforced, this would leave a limited area of the property that is able to be used as a private club without a variance. Unfortunately, the lot is significantly encumbered by a ravine near the eastern-most boundary line and steep slopes towards the western-most boundary line which limits any owner of this property from using it as a private club without significant grading and disruption of the environment. Because of these unique physical conditions, there is no reasonable possibility of developing this lot within strict conformance with this article and, thus, Tribes meets the criteria as laid out by §18-16-305(a)(1).

**(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.**

**Response:** Exceptional circumstances other than financial considerations exist such that the denial of this variance would cause Tribes to suffer practical difficulties or an unnecessary hardship and would enable Tribes from developing the property for the use of a private club. The Subject Property is roughly 4.686 acres and includes several non-residential structures. Those structures include four sheds, a band stage, a clubhouse, and a garage; the dimensions of which are described by documents contained herein, including the Nonconforming Use Plat of the Subject Property and the floor plan of the clubhouse structure filed herewith. The Club holds meetings every Wednesday in the clubhouse structure at the Subject Property and has done so since 1989. The Club activities include, but are not limited to the following: annual New Years Eve parties; annual group motorcycle rides to local restaurants on the second Saturday of February beginning at the Subject Property; Memorial Day and Labor Day camping weekends; annual Fourth of July parties; annual Halloween parties for children of the members; annual dinner every Sunday before Thanksgiving; Twin Beach Parade on the second Saturday of December in North Beach to raise money and collect toys for children; annual dinner every Saturday before Christmas Day. Majority of the Club's activities and events are held at the Subject Property and are limited to Club members, and at times, their family and friends. Since 1989 no other entity other than Tribes has owned, possessed, or used the Subject Property for anything other than this private motorcycle club. No other use has existed on the Subject Property. At one point in time, a residence was located on the Subject Property but burned down in the 1990s and was never reconstructed or replaced. All existing structures have been used for private club purposes only and by members during Tribes ownership of the Subject Property.

As recently as March 12, 2024, the Circuit Court for Anne Arundel County issued a Declaratory Judgment and Order in favor of Tribes after the owners of the adjacent parcel known

as 102 Friendship Road<sup>5</sup> alleged that the property boundaries for the Subject Property were incorrectly located. In response to the lawsuit against them, Tribes filed a counterclaim to quiet title to the Subject Property, in its existing physical location, by deed and, alternatively, by adverse possession. Tribes successfully demonstrated to the Court that the Club has possessed and operated at the Subject Property continuously since 1989. The Court awarded title the Tribes by declaring their deeds valid, but also, alternatively, by declaring that Tribes had demonstrated use and possession of the Subject Property for a continuous twenty-year period. The decision by the Circuit Court to quiet title to the Subject Property under the doctrine of adverse possession was largely based on documentary evidence and witness testimony demonstrating that a shed structure has existed along the eastern-most boundary line, as depicted in the site plans included with this application, for over twenty years.

This long-continued use of the Subject Property, without any complaint or notice of violation, constitutes exceptional circumstances that support a determination that this variance should be granted. The type of variance requested by Tribes is an “area variance” which seeks to deviate from the setback restrictions that require structures to be located 100 feet from the boundary lines. Area variances inherently have a less drastic impact on the character of the neighborhood. *Montgomery County v. Rotwein*, 169 Md. App. 716, 728-29 (2006). Thus, the less strict standard of whether or not the applicant would suffer “practical difficulties” should be applied. See *Belvoir Farms Homeowners Ass’n, Inc. v. North*, 355 Md. 259, n. 10 (1999). If this variance were not granted, Tribes cannot use this Subject Property as a private club as they have been doing so since 1989, which is a use presumed to be permitted by the Code. Allowing this private club to operate as it has since 1989, with structures erected within 100 feet from the boundary lines, would provide substantial relief to Tribes in a way that still serves the spirit of the zoning regulations as this use has never caused any disruption or harm to the surrounding neighborhood.

**§18-16-305(c) Requirements for all variances. A variance may not be granted unless it is found that:**

**(1) The variance is the minimum variance necessary to afford relief; and**

**Response:** As demonstrated by the Nonconforming Use Plat and the 1984 Subdivision Plat, there is limited area where any structures could be erected that would not require a variance. In addition, the Subject Property is encumbered with steep slopes that would need to be significantly graded, causing disturbance to the environment, in order to provide space for structures to be erected in strict conformance with §18-10-119(1). The structures currently exist in the area of the Subject Property that most lends itself to such a use. Without this variance, Tribes would be forced to significantly grade the Subject Property, remove all the existing structures, and replace them in another location. Full compliance with Anne Arundel county code without a variance would not leave a reasonable use of the Subject Property.

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<sup>5</sup> The adjacent property owners, Derek and Stacy Tranter, appear to have changed the address of 102 Friendship Road, so it is now also known as 300 Meng Lane, Friendship, MD 20758. They are noted in the list of nearby property owners, included herein, that will receive notice of this application.

**(2) The granting of the variance will not:**

- i. **Alter the essential character of the neighborhood or district in which the lot is located;**

**Response:** As demonstrated by this letter of explanation, the affidavits of several Tribes members, the 2024 Declaratory Judgment Order, and the supporting documents, this variance will not alter the essential character of the neighborhood as this use, and these structures, have existed at the Subject Property since 1989 without any complaints or evidence of disruption or harm to the surrounding neighborhood. In fact, the Club participates regularly in charity work, sometimes holding events at the Subject Property to raise money for charitable purposes, and utilizes the existing structures to do so. This Club has an established community in Friendship, Maryland and has remained peaceful and respectful to the surrounding neighborhood.

- ii. **Substantially impair the appropriate use or development of adjacent property;**

**Response:** As demonstrated by the Nonconforming Use Plat, the 1984 Subdivision Plat, the 2021 Confirmatory Plat, and the 2024 Declaratory Judgment Order, the adjacent property known as 102 Friendship Road will not be impaired by this variance being granted. There currently exists a shared right-of-way that is situated between the Subject Property and 102 Friendship Road that allows unfettered access to both properties to aid in the use and development of such properties.

- iii. **Reduce forest cover in the limited development and resource conservation areas of the critical area;**

**Response:** As the Subject Property is not located in the limited development and resource conservation areas of the critical area, this variance will not cause forest cover to be reduced in those critical areas. As a note, since the structures for which this variance is sought already exist, there will be no disruption to any forest cover whatsoever. Whereas, if this variance were denied, the only option for Tribes to use this property as a private club would be to explore the opportunity to grade the steep slopes, thereby disturbing forest cover, to allow space for structures to be erected in strict conformity with the setback requirements of §18-10-119(1).

- iv. **Be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor**

**Response:** As the Subject Property is not located with the critical area or bog protection area, this variance will not be contrary to acceptable clearing and replanting practices required for the development in those areas. No additional development is proposed.

- v. **Be detrimental to the public welfare.**

**Response:** As demonstrated by this letter of explanation, the affidavits of several Tribes members, the 2024 Declaratory Judgment Order, and the supporting documents, this variance will not be detrimental to the public welfare as this use, and these structures, have existed at the

Subject Property since 1984 without any complaints or evidence of disruption or harm to the public. In fact, the Club participates regularly in charity work, sometimes holding events at the Subject Property to raise money for charitable purposes and utilizes the existing structures to do so. This Club has an established community in Friendship, Maryland and has remained peaceful and respectful to the surrounding neighborhood.

Attached with this application are the following documents:

1. Nonconforming Use Plat by John Dowling, Azumith and Rood, LLC.
2. List of Nearby Property Owners, Mailing Addresses, and SDAT Sheets
3. Land Records including 1984 Subdivision Plat, 1989 Deed, and 2021 Confirmatory Deed

Tribes Motorcycle Club, Inc. respectfully asks that this request for a variance to §18-10-119(1) to allow structures to be erected within the 100-foot setback requirement be granted such that Tribes may operate a private club with less than 125 parking spaces as conditionally permitted by §18-4-106 of the Code.

Respectfully submitted,

Hyatt & Weber, P.A.

/s/ Benjamin S. Henry

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*Counsel for Tribes Motorcycle Club, Inc.*

N/F  
DONNA M. MILLER  
90 FRIENDSHIP ROAD  
RESIDUE LOT GEORGE A. RIESEL PROPERTY  
PLAT BOOK: 196 PAGE: 42 PLAT NO: 10367  
TAX MAP: 81 BLOCK: 10 PARCEL: 214  
LIBER: 31639 FOLIO: 355

N/F  
DEREK & STACEY TRANTER  
102 FRIENDSHIP ROAD  
TAX MAP: 81 BLOCK: 11 PARCEL: 007  
LIBER: 36939 FOLIO: 456

N/F  
CHARLES C. & KATHY T. STONE  
104 FRIENDSHIP ROAD  
TAX MAP: 81 BLOCK: 16 PARCEL: 182  
LIBER: 5171 FOLIO: 241

LOT 1  
ELEANOR C. WILSON PROPERTY  
PLAT BOOK: 277 PAGE: 15  
PLAT NO: 14391

LOT 2  
ELEANOR C. WILSON PROPERTY  
PLAT BOOK: 277 PAGE: 15 PLAT NO: 14391

PLAN  
SCALE: 1" = 40'



**AZIMUTH AND ROOD, LLC**

115 CATHEDRAL STREET  
ANNAPOLIS, MARYLAND 21401  
JOHN.DONLIN@AZIMUTHANDROOD.COM  
410-268-1053

REVISED: 12/31/24  
REVISION: 2/26/25  
REVISION: 11/07/25

SEE DETAIL "A"

SEE DETAIL "B"

SITE AREA  
204,113.737 S.F. + / -  
OR  
4.686 Ac. + / -

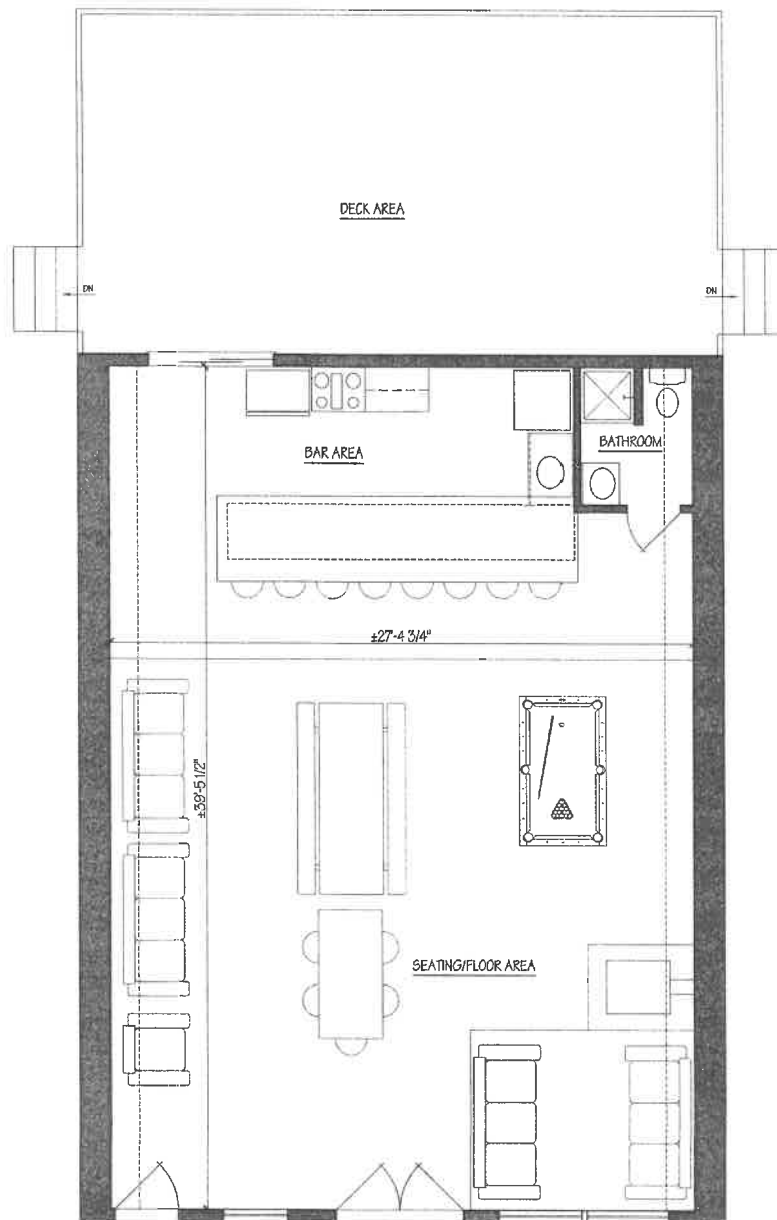
60' RIGHT-OF-WAY  
EX. DIRT DRIVEWAY  
168.82' (LINE)  
N 25° 28' 20" E  
N 80° 01' 01" E 387.56' (LINE)

DETAIL "A"  
SCALE: 1" = 20'

DETAIL "B"  
SCALE: 1" = 20'

NON-CONFORMING USE PLAT  
**103 FRIENDSHIP ROAD**

LOT: A WILSON PROPERTY  
PLAT AT: LIBER: 51721 FOLIO: 246  
SCALE: AS SHOWN JOB NO: NS210018 DATE: 12/31/24  
DEED REFERENCE: LIBER 4880 FOLIO 022  
TAX ACCOUNT: 08-000-90042548  
SHE 21P CODE: 20158 JOB NO: NS20018  
BY: ANNE ARUNDEL COUNTY, MARYLAND



CLUBHOUSE FLOOR PLAN

1/4"=1'-0"



## AZIMUTH & ROOD, LLC

115 CATHEDRAL STREET  
ANNAPOLIS, MARYLAND 21401  
john.dowling@azimuthrood.com  
410.269.1053

## TRIBES PLAN: DETAIL

103 FRIENDSHIP ROAD  
LOT A, WILSON PROPERTY  
DEED REFERENCE: LIBER 4880 FOLIO 022  
12-12-2024