

May 1, 2025

Variance Request

44 Hatton Drive, Severna Park MD 21146

To whom it may concern,

We are requesting permission for a prebuilt 28'x14' structure from Pine Creek Structures to be placed on a gravel pad on the rear of our property. We are seeking a variance due to the hardship of being a Dual Frontage property. We are requesting the placement of this structure to be 8' from its closest point to the edge of the 20' Unimproved roadway. (see site plan)

We would also be seeking an "After the Fact-Variance" for a 14'x10 shed in the rear of our property, used as a garden shed that was placed in May of 2024, also from Pine Creek Structure. This sits atop a gravel pad as well. At the time, I did reach out to the Olde Severna Park Improvement Association and was told a shed of that size was fine to be placed in this location. At that time, I had no idea of the required set back from the paper road. There is also a temporary fabric structure 14'x10' set upon the grass, being used currently to keep personal items out of the weather until we can place the requested larger structure from Pine Creek Structures.

We understand the right of way from the unimproved roadway and would certainly not place anything permanent in, or near its proximity. We are hoping that by going with a prebuilt/temporary structure... (that can be moved or removed in the event of any future Right-of-Way needs, or taken with us if we move.), that this request may be granted for both the 14'x10' and 28'x14' structures.

Based on adjacent and neighborhood properties having recent fences, structures and very old trees, on or near this right of way, we hope there is an opportunity for this variance to be granted.

Building Permit currently submitted- #B02434522

Status-

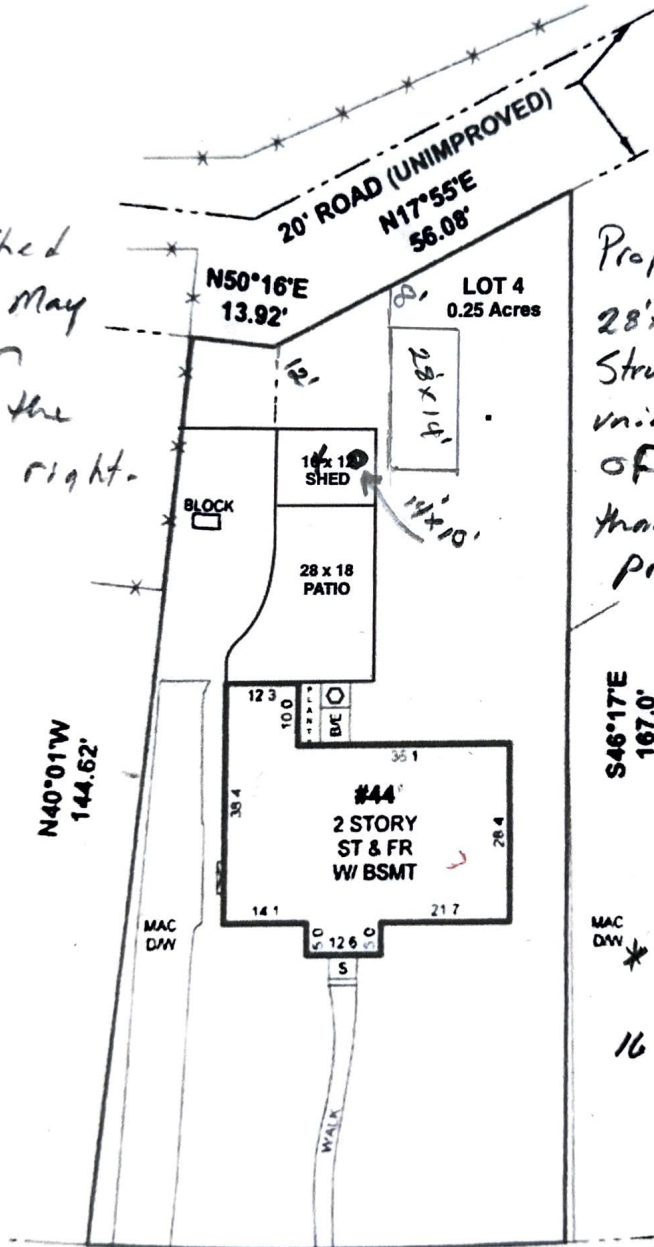
Plan Review -Approved per Jerry Lapid

Zoning Review -Revision Request-Pending

Thank you,

Tim Brahmstedt and Mary Nowlan

14'x10' Garden Shed placed on Site in May of 2024. Location is 12' away from the unimproved roadway right-of-way.



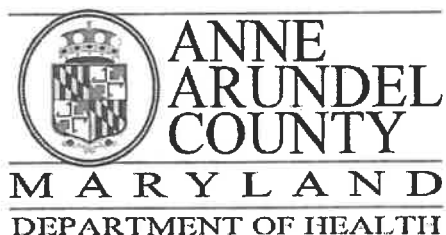
Proposed location for 28'x14' Pre-built, temporary Structure, 8' away from unimproved roadway right-of-way. And greater than 7' from adjacent property line.

* 28'x14' Structure is 12' in height.

* 14'x10' structure is 11' in height

* Primary dwelling is 16' at peak.

R=955.37'
A=80.0'



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
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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: April 28, 2025

RE: Tim Brahmstedt
44 Hatton Drive
Severna Park, MD 21146

NUMBER: 2025-0076-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a pre0built Workshop 28x14 to be delivered and placed as far back on our property as possible. A pre-built/temporary structure, (that can be moved), or removed in the event of future right-of-way needs). Place this building on a gravel pad near the edge of the right of way in the rear of the property.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. 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



Joan Jenkins <pzjenk00@aacounty.org>

Re: Site Plan 44 Hatton

4 messages

Joan Jenkins <pzjenk00@aacounty.org>
 To: Tim Brahmstedt <tbrahmstedt@gmail.com>

Thu, Apr 24, 2025 at 1:45 PM

Tim,

David was correct in advising to apply for a variance. Not because of the location in the front yard, but because of the setback distance. The hearing officer does not make judgements as to where on the property a structure can be built and the site plan is tied to the variance. That's why the applicant needs to determine the placement of the proposed structure.

Per the Code:

18-2-204(b)(3) (I) AN ACCESSORY STRUCTURE MAY BE LOCATED IN THE FRONT YARD OF A THROUGH LOT OR CORNER THROUGH LOT PROVIDED THAT THE ACCESSORY STRUCTURE IS LOCATED IN THE FRONT YARD THAT DOES NOT PROVIDE ACCESS TO THE LOT.

So, while the location of the accessory structure is ok, it needs to meet the 40' accessory structure front lot line setback. A variance would be required. There's a hardship with the existing house and the paper road.

I see the site plan that you uploaded. I suppose I should have been more specific. The distances are measured from the closest point of the proposed structure to the lot line. The 8' measurement should be at the closest point of the corner of the shed and perpendicular to the lot line. In the R5 district accessory structures can be no closer than 40' from a front lot line and 7 feet from the side. Because of the right-of-way this lot line of your property is considered a front. Variances for setbacks are distance specific.

In looking back on aerial photos of the property I can see that the 'back' yard has changed, I hope for you for the better, but there have been improvements that require not only permits, but a variance. The existing shed shown on your site plan is not seen on an aerial photo in Feb 2024, but is there in Feb 2025. While that shed is below the threshold for requiring a building permit, it is closer than 40' from the 'front' lot line and requires a variance. I suggest that since it's built that you add it to this variance request as well. To do that you'll need to rewrite your letter of explanation. You would be seeking an after-the-fact variance for the 10 x 14 shed to perfect the location that does not meet the front lot line setback requirement and a variance to allow the proposed 28 x 14 structure without meeting the front lot line setback requirement. The site plan will need distances for the 10x14 shed as well. There is an inherent hardship here in that the lot is called a through-lot with two frontages.

What is behind the 10x14 shed? A greenhouse? See image below from February 2025. A greenhouse is a structure so it would also need to be perfected as an after-the-fact variance for setbacks and may need a building permit. Same instructions apply for the site plan and the variance request. This is after-the-fact to perfect the structure. You should ask the Permit Center if a permit is required for a greenhouse. 410-222-7730. Only sheds less than 150 sq ft are exempt from the permit process.

Another bulk regulation to keep in mind is that currently in the R5 district the maximum coverage by structures is 40% of the lot. Footprints of the house, sheds, greenhouse all count towards coverage by structure. If you are over 40% then a variance is required for the difference. However, there's a recent bill going into effect July 1 that changes the coverage by structure from 40% to 60%. After July 1 a permit could be approved with structure coverage up to 60%. I think the coverage by structure will be under 40% but you should do a rough calculation anyway. The patio does not count as coverage by structure. (Side note: you should check with the Permit Center to see if a standard grading plan application is required for the patio.)



My apologies, I thought that I added a link, but again, we have a wonky system for these applications and even if I did add the hyperlink it might not have worked. Here are the [variance instructions](#). Click on the tab for List of Nearby Property Owners under Submittal Requirements. There are clear instructions as to how to get the required addresses.

I know this is a lot to process. I will hold your application open until this is all resolved.

Joan



Joan A. Jenkins
 Office of Planning and Zoning
 Planner III, Zoning Administration Section
 O: 410-222-7437
www.aacounty.org



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On Thu, Apr 24, 2025 at 12:41 PM Tim Brahmstedt <tbrahmstedt@gmail.com> wrote:

Hi Joan,

Thanks for getting back to me with regards to the permit/variance request.

I initially discussed the plan with Davis Russel was in contact with me via the building permit. He urged me to submit the request for variance. He explained that because technically, the secondary road or right of way in the backyard counts as a roadway, which requires a 40' setback.. (Same as the front). He indicated that a request of variance would be helpful given the circumstances. With that said, I don't know what to put down for a proposed distance. It's more a matter of what would be granted. I will however, pick a distance and re-submit my site plan and see if I can track down the neighbors info as well.

4/29/25, 9:06 AM

Anne Arundel County Mail - Re: Site Plan 44 Hatton

Thanks again,
Tim
FYI- I just uploaded the revised site plan to the LU Navigator.
Could you send a link to the neighbor contact locator? I'm unable to find it on the site.

Thanks,
Tim

Joan Jenkins <pzjenk00@aacounty.org>
To: David Russell <pzruss25@aacounty.org>

Thu, Apr 24, 2025 at 1:56

David,

I didn't include you on this email that I just sent out, but wanted to send it to you as a teachable moment. You're going to have lots of those. 😊 I was reviewing a variance submission and I reached out to the applicant because he had not put distances on his site plan for a proposed accessory structure. His response is below. As I was crafting my return email I realized that this is a "through lot". 18-2-101 (85) "Lot, through" means a lot other than a corner lot or corner through lot with frontage on more than one road." In general, an accessory structure cannot be in the front yard of a nonwaterfront lot, but through lots are different. 18-2-204 is important. The language about through lots is NEW!!! [Bill 88-23](#), it's only been effective since Feb 2024 and for those of us who learned no accessory structure in the front yard we forget about it. I almost forgot about it, but I also had been asked about this property in February and today I looked at the permit which did not say anything about the accessory structure in the front yard, only requiring a variance for the front setback distance. B02434522.

No harm, no foul. The structure needs a variance in any case, just not for the location in the 'front yard'.

I suggested that he 'perfect' the other improvements because they are so recent. The Code Compliance inspectors will not open a violation case if the structure has been there for 3 or more years if someone calls about it after that time. But, with these being relatively new, it's possible that someone could still call to open a complaint. Better for him to clear it all up now on one variance. And, we will not turn him in to Code Compliance.



Joan A. Jenkins
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David Russell <pzruss25@aacounty.org>
To: Joan Jenkins <pzjenk00@aacounty.org>

Thu, Apr 24, 2025 at 2:48 PM

Thank you for sending me this correspondence. I remember speaking with this gentleman, because I discussed the 'through lot' scenario with Donnie. I explained to him that encroachment into the 40' setback would require a variance. I must not have been clear on what needed to be shown on the site plan. I've been using the 'Imagery - Color' layer in GeoCortex for aerial images. As you mentioned, the February 2024 aerials do not show those structures in the setback. I assume he thought I was seeing the most current aerial imagery and since I didn't mention those structures he likely thought they must be ok in the current locations. Going forward, I will make sure I check the 'nearmap' aerials to see if anything more current is available.

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Tim Brahmstedt <tbrahmstedt@gmail.com>
To: Joan Jenkins <pzjenk00@aacounty.org>

Thu, Apr 24, 2025 at 3:47 PM

Hi Joan,
Wow, yes, that is a lot to process.
I did not consider the setback for the smaller shed, thinking it was not in need of a permit and that when I reached out to our community. OSPIA- they said sheds of that size are fine anywhere. Oye.
The structure behind the shed is just a temp shelter out of fabric and hoops from Home Depot- Just storing some stuff out of the weather until the workshop could be delivered. It would be removed after the workshop.
Ok, I will re-submit everything. I think we are safe with the percentage of property coverage, but if we have to wait until July then so be it.
I just hope we can figure out a way to make it all work out.
Thanks again,
Tim

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