

Letter of Explanation – Variance Application for Existing Nonconforming Deck

To the Honorable Members of the Anne Arundel County Board of Appeals,

I respectfully submit this letter in support of my application for a zoning variance related to an existing deck located at my residence at 8 Mountain Road, Linthicum Heights, Anne Arundel County, Maryland.

The deck in question is an existing structure that was constructed by a prior owner and, based on available information and visual condition, appears to have been built approximately ten or so years ago, prior to my ownership of the property. I was not involved in the design or construction of the deck. At some point after the original construction, the prior owner added a railing to the deck without obtaining the required building permits.

The unpermitted railing is what initiated the current permit review process. Upon becoming aware of this issue, I contacted Anne Arundel County in good faith to address the matter appropriately. As part of the permit process, the existing railing will be modified or replaced as necessary to meet all applicable current building and safety code requirements. Other than the work required to bring the railing into compliance, no additional changes to the deck are proposed.

The deck will otherwise remain in kind, with no expansion, relocation, or increase in footprint, height, or intensity of use. During the permit review process, it was determined that the existing deck does not conform to current setback requirements. Strict compliance with the setback regulations would require demolition and complete reconstruction of the deck.

The requested variance seeks the minimum relief necessary to allow this existing, long-standing structure to remain in its current location while the railing is brought into full code compliance. Granting the variance will not create a new nonconformity nor increase or intensify the existing condition.

We are respectfully requesting approval of this variance for the following reasons:

1. Existing Condition and Practical Difficulty

The deck has existed for many years and was constructed by a prior owner. The setback nonconformity is directly related to the original placement of the deck and cannot be remedied without substantial and unnecessary demolition.

2. Unwarranted Hardship

Requiring demolition and reconstruction of the deck solely to meet current setback requirements would impose a significant financial burden that is disproportionate to the nature of the violation and not self-created by the current owner.

3. Health, Safety, and Welfare

The deck is attached to the home and includes stairs that serve as an important means of access and egress. The proposed work is limited to correcting the unpermitted railing

and bringing it into compliance with current safety standards, which will improve overall safety conditions.

4. Minimal Impact on Surrounding Properties

The deck has existed in its current configuration for years without complaint or adverse impact on neighboring properties. Granting this variance will not alter the character of the neighborhood or impair the use of surrounding properties.

5. Good-Faith Effort to Comply

Upon learning of the unpermitted railing and associated zoning issue, I promptly engaged with the County to resolve the matter properly. This variance request reflects a good-faith effort to bring the property into compliance while preserving an existing structure.

For these reasons, I respectfully request that the Anne Arundel County Board of Appeals grant the requested variance to allow the existing deck to remain in place while the railing is brought fully into compliance with all applicable building and safety codes.

Thank you for your time and consideration of this request. Please do not hesitate to contact me if any additional information is needed.

Respectfully submitted,
Cassidy Elliott
8 Mountain Road
Linthicum heights, MD 21090
443-764-1013
chachicass@gmail.com



www.exactaland.com | office: 443.819.3994

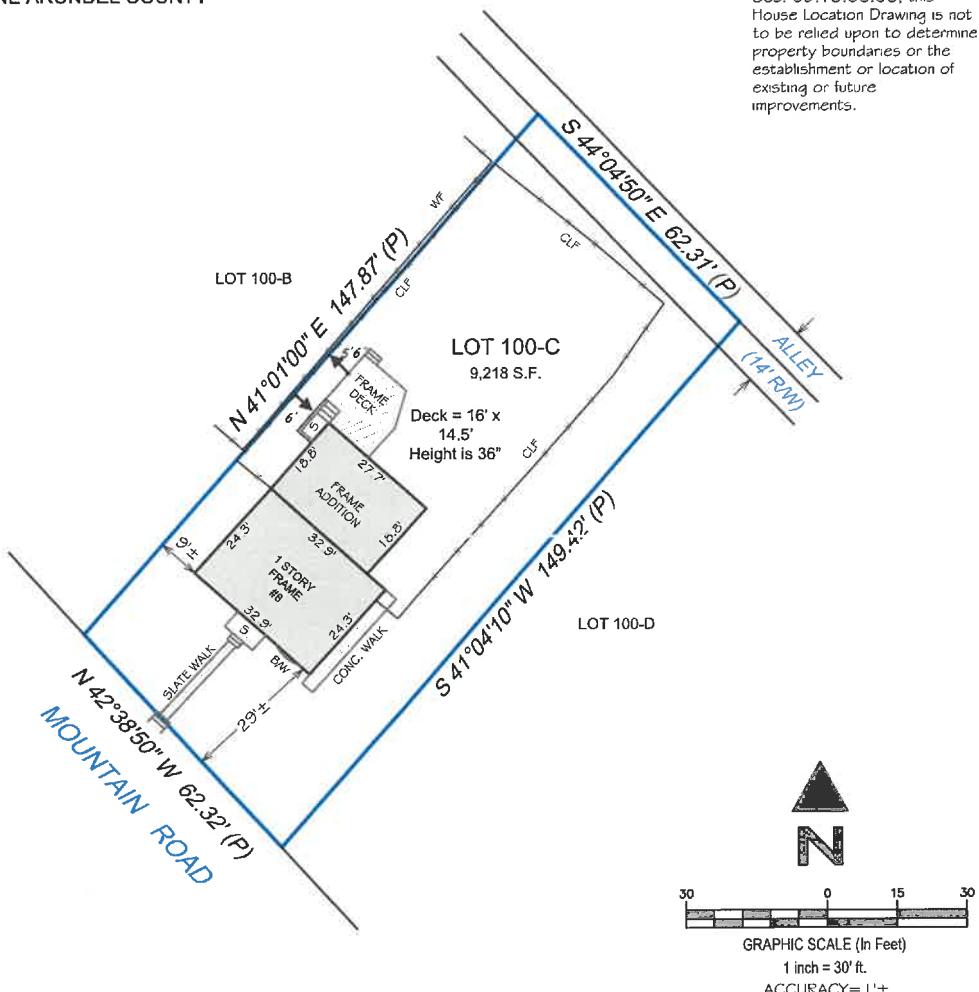


PROPERTY ADDRESS: 8 MOUNTAIN ROAD, LINTHICUM HEIGHTS, MARYLAND 21090

SURVEY NUMBER: 2409.4661

2409.4661
LOCATION DRAWING
ANNE ARUNDEL COUNTY

PLEASE NOTE
Per Maryland State Code,
Sec. 09.13.06.06, this
House Location Drawing is not
to be relied upon to determine
property boundaries or the
establishment or location of
existing or future
improvements.



Matthew Nigel Brien
State of Maryland Professional Land Surveyor
License Number: 21406

SURVEYORS CERTIFICATION:
THE INFORMATION SHOWN HERON HAS
BEEN BASED UPON THE RESULTS OF A FIELD
INSPECTION PURSUANT TO THE DEED OR
PLAT OF RECORD. THIS PLAT WAS
PREPARED UNDER MY DIRECT SUPERVISION
IN ACCORDANCE WITH C.O.M.A.R. SECTION
09.13.06 AS NOW ADOPTED BY THE
MARYLAND BOARD FOR PROFESSIONAL
LAND SURVEYORS AND IS OF BENEFIT TO A
CONSUMER ONLY INSOFAR AS IT IS
REQUIRED BY A LENDER OR A TITLE
COMPANY IN CONNECTION WITH
CONTEMPLATED TRANSFER, FINANCING OR
REFINANCING THE PROPERTY DEPICTED
HEREON.

**POINTS OF INTEREST:
NONE VISIBLE**



Exacta Land Surveyors, LLC
LB#21937
Office: 443.819.3994



DATE SIGNED: 09/27/24

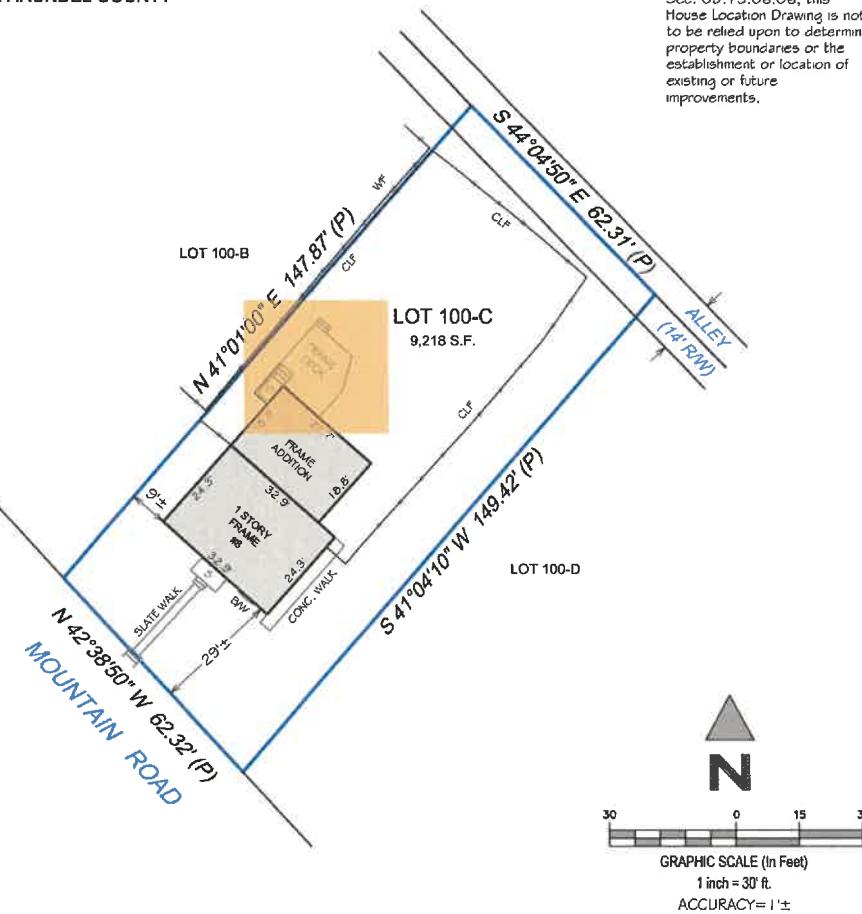
DATE SIGNED: 8/27/24

FIELD WORK DATE: 1/27/2024

**SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES**

2409.4661
LOCATION DRAWING
ANNE ARUNDEL COUNTY

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Chachi Cass
4:29 PM Today

Actual deck distance from our
fence line: 5' 6" on the front side
closest to street, 6' on back side.
Distance from neighbor's fence is
6 10" on the front, 7" on the back.

Height of deck from ground: 15" on
side closest to fence and 36" on
other side.

Deck sq. footage is roughly 16' x
14.5 ft = 232 sq. ft

Viewers of this file can see comments and
suggestions

Cancel

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