



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

December 14, 2020

Hamid Shirazi
6042 Watch Chain Way
Columbia, Maryland 21044

RE: WP-21-019 1101 Arrowhead Subdivision

Dear Shirazi:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On December 10, 2020 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations extend an existing deck to 20ft by 16ft which encroaches 4ft into the 100ft stream bank buffer. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/ktb

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Zoning – Tony LaRose



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ALTERNATIVE COMPLIANCE
FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-019, 1101 Arrowhead Subdivision**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: **Hamid Shirazi**
6042 Watch Chain Way
Columbia, MD 21044

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations. The purpose is to extend the existing deck by 20ft by 16ft and a 6ft by 6ft stair which exists within the 100 year floodplain.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

- 1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.** The perennial stream is located near the rear boundary line of the subject property and the 100 foot stream bank buffer (SBB) covers roughly half the property. The existing dwelling and deck are not encroaching the SBB, but the proposed 8 foot extension would encroach 4 feet into the SBB. A majority of the lot is encumbered with 100-year floodplain. The existing house and deck are currently within the area of floodplain on the property. The request is to add 128 square feet and stairs to the existing deck. All neighboring lots have significant encroachment into the 100 foot stream bank buffer and the 100-year floodplain. Many of the owners of the adjoining lots have enhanced their properties with decks, patios, and sheds within the limits of these environmental features. The expansion to the existing deck and stairs is a typical structure found in residential use properties, within all zoning districts. Strict conformance with these requirements would deprive the applicant rights commonly enjoyed by others in this neighborhood and within the County.
- 2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.** The stream along the rear boundary line of the property requires a 100 foot stream bank buffer and the area of floodplain covers a majority of the property. The property was recorded in July 1958, before subdivisions were required to meet environmental regulations for these environmental features. There are no environmental features shown on the recorded plat for this property, as floodplain was not shown on plats and the stream must have been considered offsite. This creates a unique difficulty as the property was developed after the creation of the lot.
- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.** Approval of this alternative compliance would not grant a special privilege that would be denied to other applicants. There are multiple lots within the surrounding neighborhood with similar encroachments into environmental features.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.** The approval of this alternative compliance request would not be detrimental to the public health, safety or welfare, or injurious to other properties since the surrounding neighborhood is existing with similar encroachments. In addition, the proposed extension to the deck is considered pervious and will not increase runoff from the property.

5. **Any area of disturbance is returned to its natural condition to the greatest extent possible.** Approval of the request would require protection of the environmental features during construction with minimal disturbance to soil. There will be minimal site work as only footers for three support columns are needed. There will be no grading of the site.
6. **Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.** Minimal disturbance would be caused by the extension of the deck and addition of the stairs. The construction would not cause the removal of any trees or shrubs, and the area would be returned to planted lawn after the completion of the project.
7. **Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.** The construction for the extension of the deck and stairs does not require the removal of any trees or shrubs. The grading required for this 128 square foot expansion would be minimal and would not require a grading permit.

Directors Action: Approval of alternative compliance of Section 16.116(a)(2)(iii) is subject to the following conditions:

1. Approval of the alternative compliance is to permit an open deck to encroach a maximum of 4 feet into the 100 foot stream bank buffer and exist within the 100-year floodplain. Deviation from the approved exhibit or alteration of the open deck may require the approval of another alternative compliance request.
2. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the 100-year floodplain, stream, and stream buffer, except as permitted by this alternative compliance. Construction of the deck within the 100-year floodplain must comply with Section 3114.2.1 of the Building Code.
3. The applicant shall obtain all required Federal, State, and Local authorizations for disturbances to environmental features. Reference the applicable permits and tracking numbers on all grading permits.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Thomas Meunier

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Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

3241B974513F4B7

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DPW, Thomas Meunier



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Deck Permit on Backyard of Property Encroaching into Stream Buffer

Subdivision Name/Property Identification: 1101-Arrowhead Subdivision / 06-424481

Location of property: 6722 Allview Dr., Columbia, MD 21046

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 0036 **Grid:** 0020 **Parcel No:** 0218 **Election District:**

Zoning District: R-20 **Total site area:** 20,778

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

This is in regard to a deck permit (B20001019). I purchased the house in July 2019 with a small deck. Given the size of my family, I extended the deck at the end for 8 by 16 ft and also added 6 by 6 stairs on the side. I received a letter that the extension requires county permit. So plans were submitted with the request for the permit. After property inspection, county informed me that the extension encroaches 4 ft into the 100 ft stream buffer, and alternative compliance approval is required. This petition is for two specific sections of the regulations, Section 16.116(a)(2)(iii) & Section 16.115(c)(2) for construction of the new deck into stream buffer.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.116(a)(2)(iii)	The deck extension of 8 ft encroaches upon the stream buffer by 4 ft. We are requesting relief on encroachment. Justifications attached.
Section 16.115(c)(2)	The existing deck and the proposed extension are within floodplain. Since the deck is freestanding, we are requesting relief from the reg. Justifications attached.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Jorge monterroso* Date: 8/30/20

Signature of Petitioner Preparer: *[Signature]* Date: 8/30/2020

Name of Property Owner: Jorge Monterroso Name of Petition Preparer: Hamid Shirazi

Address: 6722 Allview Dr Address: 6042 Watch Chain way

City, State, Zip: Columbia, MD 21046 City, State, Zip: Columbia, MD 21044

E-Mail: lisandrojmonte@gmail.com E-Mail: hamidshirazi@gmail.com

Phone No.: 240-556-4524 Phone No.: 915-449-5478

Contact Person: Contact Person:

Owner's Authorization Attached