



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 6, 2021

Mr. Henry Cooper
9682 Maryland Avenue
Laurel, MD 20723

RE: WP-21-133, 9682 Maryland Avenue

Dear Mr. Cooper:

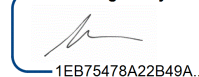
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On November 18, 2021 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 **denied** your request for alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations to allow an 8' x 16' shed to remain within a 25-foot wetland buffer. Please see the attached Final Decision Action Report for more information.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jw

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Tony Larose, DPS&ZA



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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-21-133 North Laurel Park, Block J, Lot 21 (9682 Maryland Avenue)**
Request for an alternative compliance to Section 16.116(a)(1) of the Subdivision and Land Development Regulations.

Applicant: **Henry Cooper**
9682 Maryland Avenue
Laurel, MD 20723

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 **denied** the applicants request for an alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations. The purpose is to allow an 8' x 16' shed to remain within a 25-foot wetland buffer. The Directors deliberated the application in a meeting on November 18, 2021.

Each Department hereby determines that strict enforcement of Section 16.116(a)(1) would not result in a practical difficulty or unreasonable hardship. The following factors were considered in making this determination:

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;

The rear of the lot is partially encumbered with a wetland and 25-foot wetland buffer, as shown on the site development plan, SDP-01-148, North Laurel Park. The applicant has constructed an 8' x 16' shed within the 25-foot wetland buffer. Based on the review of the application and photographs, it appears there is ample room for the shed to be placed in the rear yard outside of the buffer, either closer to the house or at a 90-degree angle. The applicant was given the opportunity to submit an alternative analysis to prove the shed cannot be feasibly located outside of the 25-foot wetland buffer or in a way that limits any impacts; however, the applicant did not provide any information that refutes these alternatives. The applicant did not prove that strict conformance with the requirements would deprive the applicant of rights commonly enjoyed by others in similar areas.

2. 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 applicant highlighted that the existing of the buffer on their property is the unique condition that would not be permitted with current subdivision regulations and that the neighboring property does not have the same buffer in their yard. However, the applicant did not provide evidence that the uniqueness of the property or

topographic conditions would prevent the shed from being relocated within the yard and outside the wetland buffer.

- 3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**
Allowing the variance would not confer a special privilege since it is typical for residential properties to maintain a shed in the rear yard. However, the applicant did not provide enough investigation into alternative locations within the yard to prove that the shed must be maintained within the 25' wetland buffer and allow the department to fully evaluate this criterion. Additionally, the existing shed is located within the building setback line which is a special privilege unless approved through a variance to the bulk regulations.
- 4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**
The applicant did not provide enough justification to fully evaluate this criterion. The current shed is stated to be on piles within the required wetland buffer which may permit water to move below the structure. However, absent additional information on relocation options, the department cannot fully evaluate if the current location meets the intention of this criterion.
- 5. Disturbance is returned to its natural condition to the greatest extent possible:**
Disturbance has already occurred since the shed is existing in wetland buffer in violation of the regulations. If the shed remains, this disturbance cannot be returned to its natural condition. If the shed were relocated outside the buffer, the property owner could attempt to return the buffer to its natural condition.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and**
The applicant did not propose any mitigation associated with the retention of the shed to minimize adverse impacts to water quality and fish and wildlife. However, the owner offered to plant around the shed in order to help address the vegetative habitat.
- 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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**
The applicant provided justification that the current shed is on piles, rather than full foundations which may permit water to move below the structure. This appears to be the minimum grading needed to provide for the structure.

At the November 18, 2021 review meeting, the Directors discussed the proposal. In that conversation, they highlighted that the rear of the lot is partially encumbered with a wetland and 25-foot wetland buffer, as shown on the site development plan, SDP-01-148, North Laurel Park and that the applicant has constructed an 8' x 16' shed within the 25-foot wetland buffer. The justification provided by the applicant focused on how the shed currently exists in the 25-foot wetland buffer. Based on review of the application and photographs, it appears that there is ample room for the shed to be placed in the rear yard outside of the 25-foot wetland buffer, either closer to the house or at a 90-degree angle. The previously issued Revise and Resubmit decision of the Directors provided the applicant the opportunity to submit an alternative analysis to prove that the shed cannot be feasibly located outside of the 25-foot wetland buffer or in a manner

that minimizes impacts to the buffer; however, the applicant did not provide any information or alternative designs to refute these alternatives. As such, the Directors did not find that enforcement of the regulations would result in a practical difficulty or unreasonable hardship.

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Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

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Thomas Meunier

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Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

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



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

July 21, 2021

Henry J. Cooper
9682 Maryland Avenue
Laurel, MD 20723

RE: WP-21-133, North Laurel Park, Block J, Lot 21

Dear Mr. Cooper:

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 July 20, 2021 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 your request for alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations to maintain and already existing 18'x10' storage shed is requesting you to **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (on or before September 4, 2021*).

*Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. **Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the Order. In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jw

cc: Research
DED
DLD - Julia Sauer
Real Estate Services



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ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

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

RE: **WP-21-133, North Laurel Park, Block J, Lot 21**
Request for an alternative compliance to Section 16.116(a)(1) of the Subdivision and Land Development Regulations.

Applicant: Henry Cooper
9682 Maryland Avenue
Laurel, MD 20723

The above referenced application to grant approval to a existing 18’x10 storage shed was reviewed on July 15, 2021. 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 the applicant’s request for an alternative compliance with respect to **Section 16.116(a)(1)** of the Howard County Subdivision and Land Development Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. To determine if the waiver is warranted, it must be clearly demonstrated that no other feasible alternative exists. Based on review of the plans and photographs, it appears there is enough space in the rear yard to relocate the shed outside of the wetland buffer. Please provide an alternative analysis and/or concept plans that demonstrate no other feasible location exists for the shed. Explore options such as rotating the shed 90 degrees to eliminate or minimize the encroachment in the wetland buffer.
2. The alternative compliance plot plan exhibit should depict existing conditions. The plot plan should be to scale and include the house model, deck, patio, fencing and shed.
3. Please note that any proposed design changes should not impact the drainage swale along the northern property line.

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Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

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Thomas Meunier

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Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research, DED, OCS, DPW



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Rear northeast corner of property located at 9682 Maryland Ave, Laurel, MD 20723

Subdivision Name/Property Identification: North Laurel Park / Block J Lot 21

Location of property: 9682 Maryland Ave, Laurel, MD 20723

Existing Use: Backyard **Proposed Use:** maintenance of a 18' x 10' storage shed

Tax Map: 50 **Grid:** 3 **Parcel No:** 426 **Election District:** 6

Zoning District: **Total site area:**


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:

The site is the northeast corner in the rear of Block J/Lot 21. The Applicant submits this Alternative Compliance Application to maintain a storage shed (18'x10') that was erected on the site.

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
Howard County Zoning Regulations 110.0.D.4.d.(1)(b)(i)	The Applicant requests maintenance of a 18'x10' storage shed that is less than 7'5" from the side lot line. Specifically, the storage shed is approximately 6' away from the side lot line. Due to the size and shape of the lot, the current placement of the accessory structure is the only practicable and functional location on the property. Denial of the application would thus result in unreasonable hardship.
Howard County Zoning Regulations 110.0.D.4.d.(1)(c)(ii)	The Applicant requests maintenance of a 18'x10' storage shed that is less than 10' from the rear lot line. Specifically, the storage shed is approximately 7' away from the back lot line. Due to the size and shape of the lot, the current placement of the accessory structure is the only practicable and functional location on the property. Denial of the application would thus result in unreasonable hardship.

Section Reference No.	Brief Summary of Request
Howard County Subdivision and Land Development Regulations 16.116(a) (1)	The Applicant requests maintenance of a 18'x10' storage shed within 25' of a wetland buffer zone. Due to the fact that the wetland buffer passes through the subject property, denial of the application would cause unreasonable hardship as there is no other location on the property would comply with the subject regulation for the purpose of building a storage shed.

Signature of Property Owner:  Date: 4-1-2021

Signature of Petitioner Preparer:  Date: 4-1-2021

Name of Property Owner: Henry J. Cooper Name of Petitioner Preparer: Leonard C. Bennett, Esq.

Address: 9682 Maryland Ave, Address: 5000 Sunnyside Ave, Ste 101

City, State, Zip: Laurel, MD 20723 City, State, Zip: Beltsville, MD 20705

E-Mail: henryjcooper@gmail.com E-Mail: leonard@bblegal.net

Phone No.: 301 497 6480 Phone No.: (240) 398-3140

Contact Person: s/a Contact Person: s/a

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request