



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

April 9, 2020

Matthew and Julie Hopkins
3011 Center Drive
Ellicott City, MD 21042

RE: WP-20-096 Howard Heights- Lot 47

Dear Mr. and Mrs. Hopkins:

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.

As of the date of this letter, the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability **approved** your request for an alternative compliance to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations to construct a 20'x20' deck and 4' staircase within the 100' stream bank buffer.

The decision makers determine that strict enforcement of the above-cited regulations would constitute 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 perennial stream runs along the eastern boundary of the property and the majority of the lot is located within the 100' stream bank buffer, except for the front yard. This location is not ideal for a deck since it would not be practical or appealing to construct a deck in the front yard. Decks have been constructed on several neighboring lots that are also located within the 100' stream bank buffer. Denial of this request would deprive the owner of constructing a deck on his lot, which is a right that is commonly enjoyed by other homeowners.

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.

Strict adherence to the regulations would not allow the owner to construct a deck in the rear of the dwelling. Since the majority of the lot is located within the 100' stream buffer, this presents a unique situation and the owner would experience an unreasonable hardship if the construction of a deck would not be permitted. The construction of the deck will not impact any existing trees or other vegetation.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants.

Approval of this alternative compliance request would not grant a special privilege that would be denied to other applicants, since permits for decks are routinely approved. The owner does not have a reasonable alternative location on his lot for the construction of a deck. Several neighboring lots have

previously constructed decks within the 100' stream bank buffer.

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 decks have been constructed in the rear of multiple houses along Center Drive within the 100' stream bank buffer. The perennial stream does not contain a 100-year floodplain and storm flows are generally contained within the stream banks. The owner has applied for a building permit with the Dept. of Inspections, Licenses and Permits and all other applicable regulations will be reviewed for compliance as part of the permit application. The stream bank buffer currently consists of maintained lawn and the construction of the deck will not result in the removal of any trees or other vegetation.

5. Disturbance is returned to its natural condition to the greatest extent possible.

The construction of the deck will not result in any grading since the topography of the yard is flat in the proposed location of the deck. The deck will be constructed on multiple piers and any runoff from the deck structure will be able to infiltrate into the lawn prior to entering the stream. No trees or other vegetation will be removed as a result of the deck construction. The rear yard currently consists of maintained grass and will remain in its current state after construction.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

Mitigation is not necessary in this situation since the construction of the deck will not have adverse impacts to water quality, wildlife or vegetative habitat. The yard consists of maintained grass and the area will be stabilized after construction. The deck will be constructed above grade on piers and the runoff from the deck will be able to infiltrate into the lawn prior to entering the stream.

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.

Grading will not be required to construct the deck since the topography of the existing yard is relatively flat and the deck will be constructed above-grade on multiple piers. The construction of the deck will not require the removal of vegetative cover or trees.

Approval of this alternative compliance is subject to the following conditions:

1. The proposed deck shall not exceed 20'x20' and shall be located in the area shown on the alternative compliance plan exhibit.
2. No grading or removal of vegetative cover or trees is permitted within the 100' stream bank buffer.
3. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits and the 'R-20' Zoning Regulation requirements.

This alternative compliance approval will remain valid for one year from the date of this letter or as long as a building or grading permit is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Jim Irvin

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Jim Irvin, Director
Department of Public Works

DocuSigned by:

Josh Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DPW, Jim Irvin
DLD, Julia Sauer



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No. *WP-20-096*
 Date Filed *3/23/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 3011 Center Drive, Ellicott City Maryland, 21042

Subdivision Name/Property Identification: Howard Heights Lot 47

Location of property: 3011 Center Drive, Ellicott City Maryland, 21042 +

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

Tax Map: 17 **Grid:** 22 **Parcel No:** 522 **Election District:** 2

Zoning District: R-20 **Total site area:** 21,823 square feet

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:

N/A

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)	New structures shall not be permitted within 100 feet of a perennial stream bank for use for streams.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *M. Hopkins* Date: 3/21/2020
Julie Hopkins

Signature of Petitioner Preparer: *M. Hopkins* Date: 3/21/2020

Name of Property Owner: Matthew & Julie HOPKINS + Name of Petitioner Preparer: Matthew Hopkins

Address: 3011 Center Drive Ellicott City, 21042 Address: 3011 Center Drive Ellicott City, 21042

City, State, Zip: Ellicott City, Maryland 21042 City, State, Zip: Ellicott City, Maryland 21042

E-Mail: mshopkins1985@gmail.com E-Mail: mshopkins1985@gmail.com

Phone No.: 301-305-3424 Phone No.: 301-305-3424

Contact Person: Matthew Hopkins Contact Person: Matthew Hopkins

Owner's Authorization Attached