



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

August 3, 2020

Susan Wong
10706 Vista Road
Columbia, Maryland 21044

RE: WP-20-119, 10706 Vista Road
Holiday Hills, Section 6, Lot 94

Dear Ms. Wong:

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 31, 2020 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.120(b)(4)(iii)(c)** of the Subdivision and Land Development Regulations to construct a 14' x 38' deck that encroaches 14 feet into the 35-foot environmental setback, four feet beyond what is permitted by right.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4)(iii)(c) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

Holiday Hill's is a major subdivision. Sections of the subdivision were created prior to the environmental regulations (pre-1989) and enactment of the 35-foot environmental setback. Houses on lots created before these requirements do not have to adhere to the 35-foot environmental setback and structures are permitted to be constructed up to the edge of the environmental feature. The lots east and north of the subject property predate the environmental regulations and do not have restriction on the location of their dwellings or decks. The lots west of the subject property are part of the same subdivision section and are restricted by the 35-foot environmental setback and were permitted to construct comparable sized decks (16'x24' and 14'x27'). The neighboring 14'x27' deck also encroaches 14 feet into the environmental setback. Conformance to the regulations will deprive the applicant the rights commonly enjoyed by neighboring properties.

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 rear of the property includes wetland, wetland buffer and 100-year floodplain. The 35-foot environmental setback extends from the limits of the 25-foot wetland buffer and restricts development on over 50% of the lot. This section of the subdivision contains four lots. The building envelope on the subject property is the most condensed due to the location of wetland and results in the smallest house footprint and developable area. Due to the uniqueness of this lot, strict adherence to the regulation would provide an unreasonable hardship for the applicant.

3. **The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**
Approval of the adjustment will not confer to the applicant a special privilege that would be denied to other applicants. Lots within the subdivision have been permitted to construct similar size decks within the environmental setback.

4. **The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**
The environmental setback adjustment is not detrimental to the public health, safety or welfare, or injurious to other properties. The open deck will be constructed in accordance with the building code and will not encroach within the environmental features or require removal of vegetation.

Approval of this Alternative Compliance is subject to the following conditions:

1. Approval of the alternative compliance is to permit an open deck to encroach a maximum of 14 feet within the 35-foot environmental setback, four feet beyond what is permitted as a matter of right. No trees are permitted to be removed within the environmental setback. Deviation from the approved exhibit or alteration of the open deck may require approval of another alternative compliance.

2. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the wetland, stream or their buffers. Construction of the deck within the 100-year floodplain must comply with Section 3114.2.1 of the Building Code.

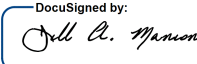
3. The open deck should be a minimum of 10 feet from the dry wells. The building permit plot plan should dimension the open deck to the dry wells to ensure the 10-foot minimum distance is met.

4. The applicant/property owner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits.

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 Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

1D2E2CF6434548F
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DED
DLD - Julia Sauer
Betty & Bob Weickgenannt – Starcom Design Build
PDox & Paper file



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-20-119*
 Date Filed *6/23/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 10706 Vista Road, Columbia, MD 21044

Subdivision Name/Property Identification: Holiday Hills S-6 RSB89 Lot 94

Location of property: 10706 Vista Road, Columbia, MD 21044

Existing Use: SFD **Proposed Use:** SFD

Tax Map: 41 **Grid:** 5 **Parcel No:** 304 **Election District:** 05

Zoning District: R-20 **Total site area:** 22,071 sq ft

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:

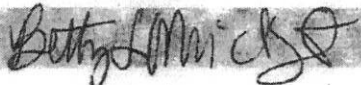
N/A

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
16.120.b.4.c	For R-20 infill subdivisions that are restricted in using optional lot sizes under subsection 16.121(a) of this subtitle, steep slopes, floodplains, wetlands, wetlands buffers, streams, and stream buffers may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project ten feet beyond the building envelope. The site has an existing wetland and the deck will project 14' into the 35' environmental setback.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 06 04 2020

Signature of Petitioner Preparer:  Date: 6-3-20

Name of Property Owner: Susan Wong Name of Petition Preparer: Betty Weickgenannt

Address: 10706 Vista Road Address: 8835 Columbia 100 Parkway, Suite M

City, State, Zip: Columbia, MD 21044 City, State, Zip: Columbia, MD 21045

E-Mail: sbunny1968@verizon.net E-Mail: betty@starcomdesignbuild.com

Phone No.: 240-418-9994 Phone No.: 410-997-7700 ex 101

Contact Person: Susan Wong Contact Person: Betty Weickgenannt

Owner's Authorization Attached

