



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 12, 2020

Mr. and Mrs. Mark & Katie Beverungen  
3022 Ramblewood Road  
Ellicott City, Maryland 21042

RE: WP-20-122 Howard Heights, 3022 Ramblewood Road

Dear Mr. and Mrs. Beverungen:

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 30, 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 to install an above ground 255 SF pool in the side yard of the existing dwelling, approximately within 55' of the existing stream bank. 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.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [ddespres@howardcountymd.gov](mailto:ddespres@howardcountymd.gov).

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/DD

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
DILP  
DPZ – Annette Merson



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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-20-122 Howard Heights, 3022 Ramblewood Road**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Mark & Katie Beverungen  
3022 Ramblewood Road  
Ellicott City, Maryland 21042

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 install an above ground 255 SF pool in the side yard of the existing dwelling, approximately within 55' of the existing stream bank. The Directors deliberated the application in a meeting on July 30, 2020.

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 rights commonly enjoyed by others in similar areas.**

All neighboring lots have significant encroachment into the 100' stream buffer, including the homes themselves. In some cases (Lots 42-46), the entire home is in the 100' buffer. Several of the neighboring lots have enhanced their properties with decks, patios, gardens and other similar outdoor enhancements. The 50' front setback and the 100' stream buffer overlap, resulting in a lot with no buildable area. Strict enforcement of the regulation would prevent any additional structures on the lot. A 255 square foot above ground pool is a typical use of a residential lot in all zoning districts and strict enforcement of the setbacks on this lot would deprive the applicant rights commonly enjoyed by others in this neighborhood and in the County.

The applicant proposes placing the pool on the side of the house which would result in a structure no closer to the stream bank than the existing house. Placing the structure closer to the road would encroach in the 50' front building restriction line (BRL), requiring a zoning variance. This alternative is considered less desirable because it

is unusual to place a pool in the front yard of a residence. Also, the front BRL is already established on the recorded plat and the stream buffer regulations were enacted after the plat was recorded.

**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 property is encumbered by a Class Use IV stream which requires a 100' stream buffer. When the property was subdivided, and the plat recorded in 1955, no such buffer or restriction was on the property. Only the presence of the stream and passage of new regulations restrict this applicant from a use common to residential zones. New subdivisions are required to record environmental buffers on the plat. The Subdivision and Land Development Regulations require lots in new subdivisions provide useable back yards not encumbered by environmental features and their setbacks. This property is experiencing a unique hardship because regulations were passed after the lot was recorded that restrict the usable area beyond the originally platted lot. Two overlapping setbacks, the 50' front BRL and the 100' stream buffer result in zero buildable area and is a unique and unreasonable hardship for a residential lot.

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

This variance will not confer to the applicant a special privilege that would be denied to other applicants. There are several adjacent lots with significant encroachment into the stream buffer, including the footprint of the homes. An above ground pool is not a unique privilege for a single-family home.

**4. The modification is not detrimental to the public health, safety or welfare or injurious to other properties**

There is no evidence that the modification will be detrimental to the public health, safety or welfare or injurious to other properties. The proposed location of the pool on the side yard will place it no closer to the stream bank than the existing house. Keeping it in the side yard and not the front will also maintain the neighborhood character.

**5. Any area of disturbance is returned to its natural condition to the greatest extent possible**

The conditions of approval require protection of the stream bank and buffer during construction and applying seed and straw to disturbed areas post construction.

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

The applicant is required to provide best management practices in accordance with MDE standards to manage stormwater management runoff and to control and mitigate the impact to water quality and to the natural environment.

**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 of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The pool construction does not require clearing of any trees. Grading required for a 255 square foot pool is minimal and does 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. *The approval is limited to the installation of the above ground pool that is shown on the plan exhibit filed with this petition.*
2. *Compaction to the stream buffer shall be minimized during installation. No motorized vehicles shall operate within the 100' stream bank buffer. Necessary material shall be offloaded at the edge of the existing pavement and transported to the pool site by hand or using small lawn equipment such as a tractor and wagon or mini skid steer with turf tires. Full size skid steers and larger are prohibited.*
3. *Runoff into the stream shall be prevented. If construction methods will disturb lawn and leave bare soil, stabilization may include silt fence during construction and covering disturbed areas with seed and straw upon completion.*
4. *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.*
5. *Three 2.5"-3" cal. trees, or five 1" cal. trees must be planted between the swimming pool and stream. Trees must be sheltered from deer browse and buck rub for two years. Species must be native to Maryland. Guidance on species and sheltering is available at <https://www.howardcountymd.gov/forestry>. Trees should be planted at the approximate locations, indicated with red 'x's, within 6 months of approval of this waiver petition.*



DocuSigned by:

*Amy Gowan*

5B4D5DD9470C4D4... Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Thomas Meunier*

077E1202E3D14B4

Thomas Meunier, Acting Director  
Department of Public Works

DocuSigned by:

*Joshua Feldmark*

3241B974513E4B7

Joshua Feldmark, Administrator  
Office of Community Sustainability

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



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

(410) 313-2350

DPZ Office Use only:  
 File No. *6P-20-122*  
 Date Filed *6/30/20*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 3022 Ramblewood Road, Ellicott City Maryland, 21042

**Subdivision Name/Property Identification:** Howard Heights

**Location of property:** 3022 Ramblewood Road, Ellicott City Maryland, 21042

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

**Tax Map:** 17      **Grid:** 22      **Parcel No:** 140      **Election District:** 2

**Zoning District:** R-20      **Total site area:** 23,609 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:** [Redacted]

**Date:** [Redacted]

**Signature of Petitioner Preparer:** [Redacted]

**Date:** [Redacted]

**Name of Property Owner:** Mark & Katie



**Name of Petition Preparer:** Mark Beverungen

**Address:** 3022 Ramblewood Road

**Address:** 3011 Center Drive

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

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

**E-Mail:** kjohns920@gmail.com

**E-Mail:** kjohns920@gmail.com

**Phone No.:** 443-244-2969

**Phone No.:** 443-244-2969

**Contact Person:** Mark Beverungen

**Contact Person:** Mark Beverungen



**Owner's Authorization Attached**