



# 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 17, 2020

Kathleen Gardinier  
10363 College Square  
Columbia, MD 21044

RE: WP-21-050 10363 College Square

Dear Ms. Gardinier:

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 to construct a 20'x16' screened-in deck within the 100' stream bank buffer. Please see the attached Final Decision Action Report for more information.

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

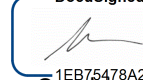
1. The proposed deck shall not exceed 20'x16' and shall be located in the area shown on the alternative compliance plan exhibit.
2. A level spreader shall be constructed at the rear property line and the proposed downspout shall be extended, either above-ground or below-ground, to outfall into the level spreader. This will allow the water to overflow in a sheetflow, to prevent additional erosion within the stream buffer. The level spreader shall be constructed as a 3'x3'x2' deep trench, with filter fabric on the sides only, and filled with stone (size #57 or larger).
3. The owner shall plant at least two (2) native shade trees in the rear yard area between the proposed deck and the streams, to prevent additional erosion. The trees shall be at least 2 ½"-caliper at the time of planting. The two shade trees can be substituted with 4 native evergreens or 4 native ornamental/understory trees. The planting sizes shall be in accordance with the Howard County Landscaping Manual.
4. No grading or removal of vegetative cover or trees is permitted within the 100' stream bank buffer.
5. All disturbed areas shall be seeded after construction is complete.
6. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits, all requirements in the 'New Town (NT)' Zoning District Regulations and all setback and height criteria in Final Development Plan 'Phase 190-A'.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related building and/or grading permits. 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](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:



1EB75478A22B49A...  
Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/eb

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services



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

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Amy Gowan, Director

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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-21-050 10363 College Square**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Kathleen Gardinier  
10363 College Square  
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 construct a 20'x16' screened-in deck within the 100' stream bank buffer. The Directors deliberated the application in a meeting on December 10, 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 of rights commonly enjoyed by other in similar areas.**

Two perennial streams are located offsite to the west and to the north of the property and the entire lot is located within the 100' stream bank buffers. A deck currently exists in the rear of the townhome, but it is in need of repair. The owner wishes to screen-in a portion of the deck to provide a comfortable location to enjoy the rear yard. Decks have been constructed on several neighboring lots which are also located within the 100' stream bank buffer. Denial of this request would deprive the owner of replacing the existing deck, which is a right that is commonly enjoyed by other homeowners.

**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.**

Strict adherence to the regulations would not allow the owner to replace the existing deck in the rear of the townhome. Since the entire lot is located within the 100' stream buffer, this presents a unique situation and the owner would experience an unreasonable hardship if the replacement of the existing 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 owners do not have a reasonable alternative location on their lot for the construction of a deck, since the entire lot is located within the 100' stream bank buffer. 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 adjacent townhomes within the 100' stream bank buffer. The associated 100-year floodplain does not extend onsite and will not be impacted by this project. 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 rear yard currently consists of maintained lawn and the deck construction will not require the removal of any trees or other vegetation. The deck supports will not impact the flow of water in the rear yard and all disturbed areas will be stabilized after construction is complete.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**  
The construction of the deck will not result in any grading since it will be constructed on supports and no stairs are proposed. 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 be stabilized and seeded after construction is complete.
- 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 rear yard consists of maintained lawn and the area will be stabilized after construction is complete. The deck will be constructed above grade on supports and any runoff from the deck will be controlled by stabilized outfalls from the proposed downspouts.
- 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 deck will be constructed above-grade on multiple supports. The construction of the deck will not require the removal of vegetative cover or trees.

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

1. The proposed deck shall not exceed 20'x16' and shall be located in the area shown on the alternative compliance plan exhibit.
2. A level spreader shall be constructed at the rear property line and the proposed downspout shall be extended, either above-ground or below-ground, to outfall into the level spreader. This will allow the water to overflow in a sheetflow, to prevent additional erosion within the stream buffer. The level spreader shall be constructed as a 3'x3'x2' deep trench, with filter fabric on the sides only, and filled with stone (size #57 or larger).
3. The owner shall plant at least two (2) native shade trees in the rear yard area between the proposed deck and the streams, to prevent additional erosion. The trees shall be at least 2 ½"-caliper at the time of planting. The two shade trees can be substituted with 4 native evergreens or 4 native ornamental/understory trees. The planting sizes shall be in accordance with the Howard County Landscaping Manual.
4. No grading or removal of vegetative cover or trees is permitted within the 100' stream bank buffer.

5. All disturbed areas shall be seeded after construction is complete.
6. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits, all requirements in the 'New Town (NT)' Zoning District Regulations and all setback and height criteria in Final Development Plan 'Phase 190-A'.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Joshua Feldmark*

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Thomas Meunier, Director  
Department of Public Works

DocuSigned by:

*Thomas Meunier*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
DED  
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. *WP-21-050*  
 Date Filed *11/3/20*

## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** 10363 College Square, Columbia MD 21044

**Subdivision Name/Property Identification:** Village of Hickory Ridge, Section 5, Area 2, Lot B58

**Location of property:** 10363 College Square, Columbia MD 21044

**Existing Use:** Residential Townhome with deck      **Proposed Use:** Residential townhome with deck

**Tax Map:** 36      **Grid:** 7      **Parcel No:** 489      **Election District:** 5

**Zoning District:** NT      **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:

SDP-86-260  
 B20003344

The house was constructed in 1986. We bought the house in 2016. The townhouse has an existing deck. We plan to replace, enlarge to 16X20 and screen in the current deck

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)	Replace existing deck within 100ft stream buffer

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Kathleen Gardinier* Date: 10/28/2020

Signature of Petitioner Preparer: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Property Owner: Kathleen Gardinier Name of Petition Preparer: Kathleen Gardinier

Address: 10363 College Square Address: 10363 College Square

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

E-Mail: lopresti@umd.edu E-Mail: lopresti@umd.edu

Phone No.: 301-523-2320 Phone No.: 301-523-2320

Contact Person: Kathy Gardinier Contact Person: Kathy Gardinier

Owner's Authorization Attached