



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

January 19, 2021

Renan and Brunilda Borelli
9609 Glen Oaks Lane
Columbia, MD 21046

RE: WP-21-070, 9609 Glen Oaks Lane

Dear Sir/Madam:

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 January 12, 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 **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(ii)** of the Subdivision and Land Development Regulations to construct an 18'x18' open deck with stairs partially within the 75' 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 18'x18' 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 75' stream bank buffer.
3. All disturbed areas shall be stabilized and seeded after construction is complete.
4. 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 building criteria in Final Development Plan 'Phase 208'.

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.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Michelle Clancy



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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-21-070 9609 Glen Oaks Lane**
Request for an alternative compliance to Section 16.116(a)(2)(ii) of the Subdivision and Land Development Regulations.

Applicant: Renan and Brunilda Borelli
9609 Glen Oaks Lane
Columbia, MD 21046

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)(ii)** of the Subdivision and Land Development Regulations. The purpose is to construct an 18'x18' open deck with stairs partially within the 75' stream bank buffer in the rear of an existing single-family dwelling. The Directors deliberated the application in a meeting on January 12, 2021.

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.

The 75' stream bank buffer extends into the rear half of the property. Decks have been constructed on several neighboring lots within the 75' stream bank buffer. Denial of this request would deprive the owner of constructing a deck in the rear yard, 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.

The existing house was constructed with a rear door for access to a future deck. Since the rear half of the lot is located within the stream bank buffer, this presents a unique situation and the owner would experience an unreasonable hardship if the construction of the deck were not 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 rear of the lot is located within the stream bank buffer. Several neighboring lots have previously constructed decks within the 75' 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 neighboring lots within the stream bank buffer. The stream does not have an associated 100-year floodplain. The owner has applied for a building permit with the Department of Inspections, Licenses and Permits and all applicable regulations will be reviewed for compliance as part of the permit application. The rear yard currently consists of mowed 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 the rear yard is relatively flat and the deck will be constructed on supports. 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 grass and the area will be stabilized after construction is complete. No trees or other vegetation will be removed as part of the project.
- 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 it 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)(ii) is subject to the following conditions:

1. The proposed deck shall not exceed 18'x18' 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 75' stream bank buffer.
3. All disturbed areas shall be stabilized and seeded after construction is complete.
4. 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 building criteria in Final Development Plan 'Phase 208'.

DocuSigned by:
Amy Gowan
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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

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
Michelle Clancy



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

(410) 313-2350

DPZ Office Use only:
 File No. *WPA-070*
 Date Filed *07/0*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: SINGLE FAMILY DWELLING

Subdivision Name/Property Identification: COLUMBIA - MAPLESIDE I - SEC 5 - AREA 4 - LOT 10

Location of property: 9609 GLEN OAKS LANE COLUMBIA MD 21046

Existing Use: SFD **Proposed Use:** SFD W/DECK

Tax Map: 0042 **Grid:** 0017 **Parcel No:** 0509 **Election District:** 16

Zoning District: **Total site area:** 7,439 SQFT

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:

SINGLE FAMILY DWELLING BUILT IN 1992.

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
<p><i>16.116 (a)(2)(ii)</i></p>	<p>WE ARE PROPOSING TO CONSTRUCT A 18' X 18' DECK W/LANDING & STEPS. THERE IS A 75' STREAM BUFFER THAT EXTENDS INTO MORE THAN HALF OF THE PROPERTY'S REAR YARD, RESULTING THE NEED FOR AN ALTERNATIVE COMPLIANCE FOR ALMOST ANY IMPROVEMENT.</p>

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Renan Borelli* / *Brunilda E. Borelli* Date: 11/26/20

Signature of Petitioner Preparer: *[Signature]* Date: 11/26/20

Name of Property Owner: RENAN BORELLI / BRUNILDA BORELLI Name of Petition Preparer: MICHELLE CLANCY

Address: 9609 GLEN OAKS LANE Address: PO BOX 310

City, State, Zip: COLUMBIA MD 21046 City, State, Zip: LISBON MD 21765

E-Mail: E-Mail: MICHELLE!@APPLIEDANDAPPROVED.COM

Phone No.: Phone No.: 443-610-7514

Contact Person: Contact Person:

Owner's Authorization Attached