



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 21, 2021

Jill Bush
8650 Wheatfield Way
Ellicott City, MD 21043

RE: WP-21-099 Long Gate – 8650 Wheatfield Way

Dear Ms. Bush:


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 April 16, 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)(iii)** of the Subdivision and Land Development Regulations to replace an existing 23.5' x 10' deck with a 17' x 15' screen porch and 11.5' x 15' open deck with stairs, which is within the 100-foot stream bank buffer. 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 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:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js
cc: Research
DLD, Julia Sauer
Zoning, J.J. Hartner
DED
OCS, Joshua Feldmark
DPW, Thomas Meunier



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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-21-099 Long Gate – 8650 Wheatfield Way**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: Jill Bush
8650 Wheatfield Way
Ellicott City, MD 21043

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 replace an existing 23.5' x 10' deck with a 17' x 15' screen porch and 11.5' x 15' open deck with stairs, which is within the 100-foot stream bank buffer. The Directors deliberated the application in a meeting on April 16, 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.

A perennial stream (Red Hill Branch) is located in a County-owned open space lot that adjoins the rear and side property lines of the subject property. The 100-foot stream bank buffer covers most of the property, including the dwelling and the entire rear yard. There are 36 residential lots that back up to the open space lot. Twenty lots are encumbered with the 100-foot stream bank buffer, most with rear porches or decks within the buffer. The construction of a porch and/or deck is a typical accessory structure found in residential developments. There is an existing 235 square foot deck on the site. This proposal would replace that deck which is in need of repair, with a new screened porch and elevated deck structure occupying 457 square feet with a new stair connection to the existing patio. The new, elevated deck and porch will be approximately 5 feet closer to the stream than the existing deck. Strict conformance with this requirement would deprive the applicant of rights commonly enjoyed by others in this neighborhood and within Howard County.

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 lot was created in 1988 before stream bank buffers were regulated by the Howard County Subdivision and Land Development Regulations; therefore, no stream bank buffer is shown on the recorded plat or site development plan for the property. This creates a practical difficulty in complying with the regulations since the lot was created and the house was constructed prior to being subject to the stream bank buffer regulations.

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

Approval of this alternative compliance would not confer the applicant a special privilege that would be denied to other applicants. The neighboring properties are similarly affected by the 100-foot stream bank buffer and have constructed porches and/or decks.

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

The approval of this alternative compliance is not detrimental to the public health, safety or welfare, or injurious to other properties. The disturbance is minimal and limited to the installation of footers and will not change the grade of the existing lawn.

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

Approval of the alternative compliance is to permit minimal disturbance to install footers and construct the porch, deck and stairs. The applicant is not permitted to grade the property or remove vegetation. All disturbed areas will be seeded after construction.

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

The only disturbance is to install the deck footings. The construction will not result in grading or removal of vegetation and any disturbance will be seeded after construction and returned to planted lawn.

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.

The construction of the porch, deck and stairs do not require removal of vegetation or trees. The disturbance required for construction is minimal and will 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. Approval of a residential variance by the Hearing Authority to allow the proposed screen porch, deck and stairs to be constructed within the rear zoning setback (BA-21-001V).
2. The proposed improvements shall be constructed as shown on the alternative compliance exhibit or as approved by the Hearing Authority. In no event should the improvements exceed the dimensions described and shown on the alternative compliance exhibit.
3. No grading or removal of vegetative cover or trees is permitted within the 100-foot stream bank buffer. Disturbance is limited to that necessary to install footings and construct the deck. All disturbed areas shall be seeded after construction is complete.
4. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses and Permits.

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



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 8650 Wheatfield Way, Ellicott City MD 21043

Subdivision Name/Property Identification: Long Gate Section 2, Area 2, Lot 243

Location of property: 8650 Wheatfield Way, Ellicott City MD 21043

Existing Use: Single Family Residential with Deck **Proposed Use:** Single Family Residential with Deck

Tax Map: 0030 **Grid:** 0006 **Parcel No:** 243 **Election District:** 2

Zoning District: R-SC **Total site area:** 6,098 sf

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:

The house was constructed in 1991. We bought the house in 2019. The house has an existing deck which we plan to replace, enlarge, screen in a 17x10' section, and add a staircase down to the yard.

There is an existing variance application in progress for the same project.

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 100 ft stream buffer <i>Improved structure would extend 5ft. closer to the stream</i>

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Jill Bush* Date: 3/2/2021

Signature of Petitioner Preparer: *Jill Bush* Date: 3/2/2021

Name of Property Owner: Jill Bush Name of Petition Preparer: Jill Bush

Address: 8650 Wheatfield Way Address: 8650 Wheatfield Way

City, State, Zip: Ellicott City MD 21043 City, State, Zip: Ellicott City MD 21043

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

Phone No.: 443-854-3331 Phone No.: 443-854-3331

Contact Person: Jill Bush Contact Person: Jill Bush

Owner's Authorization Attached