



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 15, 2021

Sandra Santos & Yolanda Barraza
10504 Justice Place
Columbia, MD 21044

RE: WP-22-041, 10504 Justice Place

Dear Owners:

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 14, 2021 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. Pursuant to Section 16.104(a)(1) this determination was made considering the following:

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

The rear yard of Stella Glen, Lot 17 is encumbered with a wetland and 25-foot wetland buffer, which requires a 35-foot environmental setback from the wetland buffer. The existing house was constructed with an elevated 13' x 14' open deck that is permitted to encroach within the 35-foot environmental setback. This proposal would convert the existing open deck into an unconditioned, enclosed sunroom which will encroach a maximum of 12 feet into the 35-foot environmental setback. The proposed sunroom will be elevated on the existing deck piers and within the existing deck footprint, with minimal footers added and a slight expansion of open deck space to the west. Although unconditioned, the enclosed sunroom portion is not considered a deck it must comply with the 35-foot environmental setback. The conversion and/or construction of an enclosed sunroom is a typical improvement found in residential developments. Strict conformance with this requirement would deprive the applicant of rights commonly enjoyed by others in similar areas.

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 existing lot is a pipestem lot with an angled front property line and a rear yard that includes a wetland and a 25-foot wetland buffer. The 35-foot environmental setback extends from the limits of the 25-foot wetland buffer and restricts development on 50% of the rear yard of the lot. The environmental setback and setback from the angled front property line results in a limited building envelope, and the smallest developable lot in the subdivision. In order to provide the largest usable rear yard, the dwelling was constructed up to the 20-foot front building restriction line. The regulations permit decks within the 35-foot environmental setback but does provide the same exception for enclosed sunroom additions. Due to the uniqueness of this lot, strict adherence to the regulation would prevent the applicant from converting the deck into an unconditioned, enclosed space providing 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. Only one other lot in the subdivision is encumbered with the 35-foot environmental setback. The conversion and/or construction of an enclosed sunroom is a typical improvement found in residential developments. All other lots within the subdivision have been permitted to construct similar size decks on their properties with the ability to convert into a future sunroom, without the additional environmental setback restrictions.

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 sunroom will be constructed in accordance with the building code and will not encroach within any environmental features, their buffers, or require removal of vegetation. The proposed sunroom will be on the existing deck piers and within the existing deck footprint, with minimal footers added, and will not change the grade of the existing lawn.

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

1. Approval of the alternative compliance is to permit an unconditioned sunroom to encroach 12 feet within the 35-foot environmental setback. No trees are permitted to be removed within the environmental setback. Deviation from the approved exhibit or alteration of the unconditioned sunroom 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.
3. The applicant/property owner shall comply with all applicable 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 Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jw

cc: Research
DED
DLD - Julia Sauer



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-22-041*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Existing residential lot improved upon by an existing single family dwelling

Subdivision Name/Property Identification: Stella Glen II

Location of property: 10504 Justice Place, Columbia MD 21046

Existing Use: SFD **Proposed Use:** SFD w/ sunroom addition

Tax Map: 36 **Grid:** 19 **Parcel No:** 346 **Election District:** 6

Zoning District: *R-30* **Total site area:** 20,817

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:

F-15-105
 F-17-019 (originals only)

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
Section 16.116.4)(iii)c 16.120(b)(4)(iii)(c)	See attached justification

Section Reference No.	Brief Summary of Request

Signature of Property Owner: _____ Date: _____

Signature of Petitioner Preparer:  Date: 11/1/21

Name of Property Owner: Sandra Santos & Yolanda Barraza Name of Petitioner Preparer: Michelle Clancy

Address: 10504 Justice Place Address: PO Box 310

City, State, Zip: Columbia MD 21056 City, State, Zip: Lisbon MD 21765

E-Mail: michelle@appliedandapproved.com E-Mail: michelle@appliedandapproved.com

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

Contact Person: Michelle Clancy Contact Person: Michelle Clancy



Owner's Authorization Attached

Justification Statement

The owner is requesting an alternative compliance to section 16.116.(4)(iii)C of the zoning code. Specifically, the owner wishes to enclose their existing 14' x 13' open deck with an unconditioned sunroom addition. The proposed construction would go 2' (two foot) into the curved 35' environmental easement at the closest point, then it would increase in setback as you move to the left side. The existing deck was approved under Howard County building permit number B16001931 and received its appropriate inspections.

As a basis to approve this alternative compliance request, the applicant offers the following justifications as directed;

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

There are numerous residences in similar areas that have enclosed open decks with room additions...many of which are actually conditioned. Due to the unique layout of the wetland buffer that extends significantly onto this property, nearly 150 feet of the rear yard would be rendered unable to improve upon should strict conformance with the requirements be applied. This would certainly set the applicant out as an outlier of applicants that did not enjoy similar improvements.

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.**

This is the easiest test as the wetland buffer on this lot specifically, juts out to nearly a point as it encroaches closer to the house. This unique reach onto this otherwise well-sized lot renders so much of the rear incapable of being improved upon. Adhering strictly to the regulations and not allowing a 2-foot alternative compliance would necessitate actually removing the farthest 2 foot of existing deck; a practice that in itself is a practical difficulty.

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

We are confident that if other applicants sought only a one-foot alternative compliance, on a peculiar lot with such a unique wetland buffer extension, in order to enclose an existing and lawfully permitted deck, with an unconditioned sunroom, they would absolutely not be denied and thus this is not a special privilege.

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

Clearly it is evident upon review of the included site plan that this project would not impact the public health, safety or welfare in any way. Being proposed on the existing deck, in the center of the existing lot, there would also be absolutely no impact, injurious or otherwise, to other properties.

Furthermore, as this is a waiver request to section 16.116, the applicant offers the following additional justifications as directed;

- 5. Disturbance is returned to its natural condition to the greatest extent possible**

As this project is planned to enclose an existing deck, disturbance is extremely minimal. The deck currently has post and pier supports. Because of the added load, one beam supported by three 6x6 posts will be replaced. The footers will be 12" round going 30" deep. The soil will be back-filled and grass replanted. The net result is nil since there are three posts that will be removed.

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

As there is nearly no ground disturbance, there is even less impact to water quality and fish, wildlife, and vegetative habitat. Regardless, should the County wish to require straw bales or silt fencing in order to protect from runoff as a result of three 6x6 posts, we would be happy to comply.

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

As stated, the only ground disturbance is for the posts. The soil removed is being used for back-fill and no spoil pile will be necessary. No actual grading will take place, and the area disturbed is grass only. Grass will be replaced. However, again, should the County wish for use to mitigate the disturbance by way of re-planting, we would be happy to comply.