



# 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 29, 2022

Denise Wesolowski  
9844 Wilderness Lane  
Laurel, MD 20723

Sent via email to [weso820@comcast.net](mailto:weso820@comcast.net)

RE: WP-22-106 Walden Woods, Lot 15  
Building Permit B22000925

Dear Ms. Wesolowski:

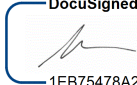
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On April 26, 2022 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 12' x 26' open deck in the rear of an existing single-family attached dwelling. 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 Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/js  
cc: Research  
DLD - Julia Sauer  
Steve Rolls ([srolls@howardcountymd.gov](mailto:srolls@howardcountymd.gov))



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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-22-106 Walden Woods- Lot 15**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Denise Wesolowski  
9844 Wilderness Lane  
Laurel, MD 20723

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 12'x26' open deck in the rear of an existing single-family attached dwelling. The Directors deliberated the application in a meeting on April 26, 2022.

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 100' stream bank buffer extends into most of the rear yard. 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.**  
A majority of the rear yard is located within the 100' stream bank buffer, which presents a unique situation and the owner would experience an unreasonable hardship if the construction of the deck were not permitted. The deck is proposed directly above an existing paver patio and will not create additional impervious surface within the 100' stream bank buffer. No existing trees or other vegetation will be impacted by the construction of the deck.
- 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 yard is located within the stream bank buffer. Several other homes in the neighborhood have constructed decks in the rear yard. In this application, the

proposed elevated deck is not extending the impervious footprint within the buffer beyond what exists on the site.

- 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. 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 a paver patio and the deck will not create additional impervious surface within the stream buffer or impact the flow of water. No trees or other vegetation will be impacted and all disturbed areas will be stabilized after construction is complete. The 100-year floodplain does not extend onto the subject property.
- 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 or removal of trees or other vegetation. The rear yard consists of an existing paver patio and the deck will be constructed on the 2nd level directly above the patio. A few pavers will be removed to install the deck supports and no stairs are proposed. Any disturbed areas within the lawn 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 a paver patio and any disturbance to the lawn 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 is proposed on the 2nd level directly above the existing paver patio. No stairs are proposed and the project 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 deck shall not exceed 12'x26' and shall be located directly above the existing paver patio in the area shown on the alternative compliance plan exhibit. The proposed deck shall not extend beyond the footprint of existing impervious surface within the stream bank buffer.
2. No grading or removal of vegetative cover or trees is permitted within the 100' 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 and all requirements in the 'Planned Senior Community (PSC)' Zoning District Regulations.

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  
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.**

**Date Filed**

## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:**

**Subdivision Name/Property Identification:**

**Location of property:**

**Existing Use:**

**Proposed Use:**

**Tax Map:**

**Grid:**

**Parcel No:**

**Election District:**

**Zoning District:**

**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:

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 Reference No.	Brief Summary of Request

**Signature of Property Owner:**

**Date:**

**Signature of Petitioner Preparer:**

**Date:**

**Name of Property Owner:**

**Name of Petition Preparer:**

**Address:**

**Address:**

**City, State, Zip:**

**City, State, Zip:**

**E-Mail:**

**E-Mail:**

**Phone No.:**

**Phone No.:**

**Contact Person:**

**Contact Person:**

**Owner's Authorization Attached**

Section Reference No.	Brief Summary of Request