



# 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 5, 2023

Mr. and Mrs. Robert Edward David  
3218 Hearthstone Road  
Ellicott City, MD 21042

Dear Mr. and Mrs. David:

RE: WP-23-024, 3218 Hearthstone Road, Valley Mede

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 4, 2023, 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 16.115(c)** of the Subdivision and Land Development Regulations **to upgrade the existing 15'x35' deck** (which includes an approximate 5' wide exit for ADA requirements) located within the limits the floodplain. In addition, the Director of the Department of Planning and Zoning, considered and **denied** your request for alternative compliance with respect to **Section 16.115(c)** of the Subdivision and Land Development Regulations **to construct an addition within the limits the floodplain.**

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) for the 15'x35' deck would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

The 100-year floodplain covers most of the rear yard and a large portion of the rear dwelling, include the 15'x30' open deck that was recently replaced. The dwelling was constructed on a slope, which provides the front door exit at grade and a walk-out basement. Currently, the home does not provide a second means of safe exit from the main level. The applicant is requesting retroactive approval to allow the 15'x30' open deck within the 100-year floodplain, and a 5' open deck extension which will allow the owner to exit the home to an area outside of the floodplain, either into the garage at the front of the house or onto a lift elevator. The construction of an open deck is a typical accessory structure found in residential developments. Strict compliance with this requirement would deprive the applicant of rights commonly enjoyed by others in this neighborhood and within Howard County. Furthermore, strict conformance would prevent the homeowner from meeting the ADA's Required Compliance with IBC (Section 207) for an accessible means of egress which requires at least two means of egress.

**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 lot was created in 1955 prior to establishment of the Howard County Subdivision and Land Development Regulations and before lots were required to meet environmental regulations. According to the SDAT records, the house was constructed in 1968 and the recorded plat did not identify the 100-year floodplain, which was most recently updated in 2012. This created a practical difficulty since the lot was created and the house was constructed prior to the identification of the 100-year floodplain. Strict adherence to the regulation would prevent the practical creation of an accessory open deck and necessary accessible exit. Allowing the construction of a raised open deck will provide a means of exit from the rear of the house.

- 3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;** Approval of this alternative compliance would not confer the applicant a special privilege that would be denied to other applicants. Other properties within the County that are similarly affect by the 100-year floodplain have constructed open decks.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.** This modification would not cause harm or injury to any other properties, persons, roadways, waterways, highways or natural wildlife and forestry in the county. There will be no clearing, excavating, filling, altering drainage or impervious paving required to construct the open deck.

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

1. The proposed open deck shall not exceed 15'x35' and shall be located in the area shown on the alternative compliance plan exhibit. Deviation from the approved exhibit or alteration of the open deck may require the approval of another alternative compliance request.
2. No grading or removal of vegetative cover or trees is permitted within the 100-year floodplain. Disturbance is limited to that necessary to install footings and construct the deck. All disturbed areas shall be seeded after construction is complete.
3. The applicant shall obtain all Federal, State and Local authorizations for disturbances to the 100-year floodplain.
4. The applicant shall comply with all permit requirements from the Department of Inspections, Licenses and Permits and all requirements in the R-20 "Residential Single" Zoning District Regulations.

The Department of Planning and Zoning finds that strict enforcement of Section 16.115(c) would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

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

Section 3114.2.1. of the Building Code does not allow for new residential construction within a designated floodplain. Allowing the residential addition, which provides expansion of the living space, would allow a privilege that has not been granted to other residential dwellings located within the floodplain limits. Allowing the raised open deck, which is permitted as an exception in Section 3114.2, will not impact water flow should a flood occur and will allow for an accessible exit from the home. The Department of Inspections, Licenses and Permits and the Development Engineering Division have denied the residential addition within the floodplain.

- 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 lot was created in 1955 prior to establishment of the Howard County Subdivision and Land Development Regulations and before lots were required to meet environmental regulations. The existing floodplain currently

encompasses the rear of the house. Allowing the addition will place more of the living spaces within the floodplain limits which is prohibited by Section 3114.2.1. of the Building Code.

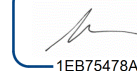
- 3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**  
Approval of this alternative compliance would confer the applicant a special privilege that would be denied to other applicants. On September 29, 2013, changes to the floodplain regulations became effective and the Building Code currently prohibits this type of construction within the floodplain area.
- 4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**  
This modification could cause harm or injury to any other properties, persons, roadways, waterways, highways or natural wildlife and forestry in the county. Section 3114.2.1. of the Building Code prohibits this type of construction within the floodplain area. The addition is a non-permeable structure and may impact the natural flow of water whereas the deck is permeable which allows water to flow naturally.

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.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/bl

cc: Research  
DLD - Julia Sauer  
Real Estate Services



# 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

October 12, 2022

Mr. and Mrs. Robert David  
3218 Hearthstone Road  
Ellicott City, MD 21042

Dear Mr. and Mrs. David:

RE: WP-23-024, 3218 Hearthstone Road, Valley Mede

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

<u>Agency</u>	<u>#Copies</u>
DLD	1
DED	1
DILP	1

**Also, the resubmission must sent electronically to Jennifer Wellen at [JWellen@howardcountymd.gov](mailto:JWellen@howardcountymd.gov) or Justin Schleicher at [JSchleicher@howardcountymd.gov](mailto:JSchleicher@howardcountymd.gov).** The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before November 26, 2022\***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

**In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to [planning@howardcountymd.gov](mailto:planning@howardcountymd.gov) for processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

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

AC/BL

Attachments:

cc: Research  
DLD - Julia Sauer  
Real Estate Services



**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Residential lot with approximate 126 linear feet of frontage on road.

**Subdivision Name/Property Identification:** Valley Mede (Tax ID # 1402219263).

**Location of property:** 3218 Hearthstone Road, Ellicott City, Maryland 21042.

**Existing Use:** Residential detached single family    **Proposed Use:** Main residence for Veteran and family

**Tax Map:** 24      **Grid:** 3      **Parcel No:** 553      **Election District:** 2

**Zoning District:** R20      **Total site area:** 23,086sf (0.53 acres)

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 property at 3218 Hearthstone rd., Ellicott City, MD 21042, in VALLEY MEDE SEC 3, (see attachment labeled #A-1 for property details), is partially located in a floodplain (see attachment labeled #A-2). There are no prior permits or request to the county for improvements or additions to the property, however there was a previous deck and multiple added structures to the rear of the home (which encroached the floodplain) that existed prior to, during, and after the assigning of the 100-year *Floodplain*

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
Reasoning continued.	during, and after the assigning of the 100-year floodplain (see attachment labeled #A-3). This request is to gain retroactive permission to upgrade the previous deck and to begin construction of a 15Ft by 26Ft rear ADA compliance addition. Below is the expanded reasoning.
Section - 16.115 - Floodplain preservation (c) Prohibitions on Use of Floodplain Land	Property owner/petitioner is requesting relief from the prohibitions on use in a floodplain land area due to a proposed ADA building addition to the rear property. The area for the addition does not need any clearing of land, but does need excavation for footings and grading after completion of the addition.

Section Reference No.	Brief Summary of Request
Sec.16.115 - Floodplain preservation (c) Prohibitions on Use of Floodplain Ite Land Item #1	Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas and will create a hardship for the applicant for the following sited reasons:
Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas and will create a hardship for	The applicant is totally disabled without full independent use of his limbs and cannot exit the home in case of emergency in the same manner as a person who is not disabled. Presently, the home doesn't give the owner a safe accessible emergency exit (egress) in case of fire and unlike others who can adequately or freely exit their home without prohibition.
Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas and will create a hardship for	Strict conformance would prevent the homeowner from meeting the ADA's Required Compliance with the IBC [§207] for an Accessible means of egress. The "Required Means of Egress [IBC §1007.1 (2003), §1003.2.13 (2000)]" - The IBC requires at least two means of egress.

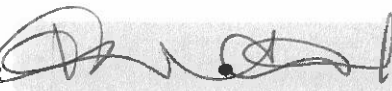
Signature of Property Owner:



August 22, 2022

Date:

Signature of Petitioner Preparer:



Date:

08/22/2022

Name of Property Owner: Robert Edward David

Name of Petition Preparer: Shana David

Address: 3218 Hearthstone Rd.

Address: 3218 Hearthstone Rd.

City, State, Zip: Ellicott City, MD, 21042

City, State, Zip: Ellicott City, MD, 21042

E-Mail: robertedavid@hotmail.com

E-Mail: robertedavid@hotmail.com

Phone No.: 2404700548

Phone No.: 2404700548

Contact Person: Shana David

Contact Person: Shana David

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request
<p>Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or</p>	<p>Strict adherence to the regulation would prevent the practical creation of a necessary wheelchair accessible exit (second means of egress) from the home for the homeowner (disabled Veteran), due to the topographical positioning and structure of the home.  b. the front door of the home exits to the upper street level of the property AND the back door opens to the lower level in the back of the home.</p>
<p>Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship</p>	<p>This property and the added structures (the deck and pictured structures in Elevation Cert., predated the floodplain and no issues were identified at that time or during the issuance of the Elevation Certificate</p>
<p>The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.</p>	<p>This modification would not cause harm or injury to any other properties, persons, roadways, waterways, highways, or natural wildlife and forestry in the county. There will be no clearing, excavating, filling, altering drainage or impervious paving required to build the proposed addition to the property (see attached plans) <i>(see #A-4) as the owner will be able to exit onto existing concrete pad/foundation</i></p>
<p>The Variance will not confer to the applicant a special privilege that would be denied to other applicants.</p>	<p>This variance would confer equal provision and reasonable emergency access (means of egress) that would rightfully legally be afforded to any other human being and resident in the county and would comply with ADA regulations.</p>