



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

March 27, 2023

Jay Grooms
9857 Helmwood Ct.
Ellicott City MD 21042

RE: WP-23-080 9857 Helmwood Court

Dear Mr. Grooms:

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 March 16, 2023, 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 14' x 12' deck with a 20' x 14' screen porch and a 7' x 12' deck within a 100-foot stream bank buffer at the address of 9857 Helmwood Court in Ellicott City MD.

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 as part of the building permit. This alternative compliance approval will remain valid for one year from the date of this letter.

If you have any questions, please contact Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj
cc: Research
DLD - Julia Sauer
Michael Criddle
Zoning (Permit Review)



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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-23-080 9857 Helmwood Court** (Bethwood Subdivision, Sect. 6, Lot 15)
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: Jay Groomes
9857 Helmwood Court
Ellicott City MD 21042

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 14' x 12' deck with a 20' x 14' screen porch and a 7' x 12' deck within a 100-foot stream bank buffer. The Directors deliberated the application in a meeting on March 16, 2023.

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 (an unnamed tributary of the Plum Tree Branch) is in the rear of the property. The 100-foot stream bank buffer covers most of the property, including most of the dwelling and the entire rear yard. The stream runs through the rear of the lots throughout the Bethwood subdivision and most have existing rear porches or decks within the buffer. The applicant is proposing to replace the existing deck which has deteriorated, with a screened porch and a new deck. The new screened porch and deck will be slightly larger than the existing deck, but neither will project further into the buffer than the existing elevated deck does. The proposed enclosure will be approximately 60 feet from the stream bank. 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 1976 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. 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. The area is already disturbed and improved with a deck attached to the rear of the house.

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 eight lumber posts to be anchored with concrete footers; this installation shall not change the grade of the existing property.

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 eight lumber posts anchored in concrete footers for the new screened porch and deck. The applicant is not permitted to grade the property or remove vegetative cover. 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.

Since the proposed disturbance is limited to installation of eight lumber posts anchored with concrete footers, it is unlikely to result an adverse impact to water quality and fish, wildlife, or vegetative habitat. The construction will not result in grading or removal of vegetation and any disturbance will be mitigated through seeding after construction.

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 screened porch and deck will not require removal of vegetation of 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. The proposed improvements shall be constructed as shown on the alternative compliance exhibit. In no event should the improvements exceed the 20' x 14' dimension for the screened porch and the 12' x 7' dimension for the deck as described and shown on the alternative compliance exhibit.
2. 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 eight lumber posts with concrete footers in the ground. All disturbed areas shall be seeded after construction is complete.
3. A total of 2 native shade trees (or 4 native ornamental trees) must be planted within the buffer (between the existing evergreen trees and the stream).
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:

John Seefried

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John Seefried, Acting Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

3241B074613F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DPW, John Seefried

F-74-076



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: 9857 Helmwood Ct.
Subdivision Name/Property Identification: Bethwood Subdivision Section 6
Location of property: Lot 15 Parcel 637 Map 0017
Existing Use: ~~9857 Hel~~ Residential Proposed Use: Residential
Tax Map: 0017 Grid: 0021 Parcel No: 637 Election District: ~~5~~ 5
Zoning District: R-20 Total site area: .476 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:

F-74-076

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 A2,3	wish to construct a deck in existing stream buffer

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

J Groomes

Date:

11-9-22

Signature of Petitioner Preparer:

[Signature]

Date:

11/9/22

Name of Property Owner: *Jay Groomes*

Name of Petition Preparer: *Michael Crittelle*

Address: *9857 Helmwood Ct.*

Address: *1806 Sparrows dr.*

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

City, State, Zip: *Woodbine, MD 21797*

E-Mail: *james dg 25@gmail.com*

E-Mail: *mike@marylandsbest.com*

Phone No.: *410-218-2491*

Phone No.: *443-474-7899*

Contact Person: *Jay Groomes*

Contact Person: *Michael Crittelle*



Owner's Authorization Attached