



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

July 21, 2023

Mr. Steve Zinn  
5964 Gentle Call  
Clarksville, MD 21029

RE: WP-23-112, 5964 Gentle Call

Dear Mr. Zinn:

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 July 20, 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 demolish and replace an existing elevated 24'x12' deck with a new 24'x15' deck. 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.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/DD

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
[mikenaugler@clarksvilleconstruction.net](mailto:mikenaugler@clarksvilleconstruction.net)



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

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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-23-112, 5964 Gentle Call**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Steve Zinn  
5964 Gentle Call  
Clarksville, MD 21029

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 demolish and replace an existing elevated 24'x12' deck with a new 24'x15' deck. The Directors deliberated the application in a meeting on July 20, 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 others in similar areas;**

The proposed deck will be in the same location as the existing deck which is aged and deteriorating. It is unsafe and needs to be replaced. Strict enforcement of the regulations would not allow the owner to correct a safety hazard by allowing a new, elevated deck to be constructed. This would deprive the homeowner of the same outdoor space that others in similar areas enjoy. The deck is elevated so the ground level impacts are limited to the footers needed for the support posts.

**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 property is not physically different than when it was created in 1993, rather more recent regulations have established a new stream buffer that impacts the existing and neighboring properties.

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

Approval of the request does not grant a special privilege to the homeowner. Most of the adjacent properties also have existing decks within the stream buffer. None of the lots were created within the original stream buffer.

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

There is no evidence that the replacement deck would be detrimental to the public health, safety, and welfare.

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

Disturbed area will be returned to the natural lawn state. No removal of shrubs or trees is necessary to complete the project.

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

No alteration to existing drainage is proposed. The existing swales and retaining wall will not be disturbed. No mitigation is proposed or anticipated other than returning the impacted area to 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. 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.**

Excavation to demo the existing deck and to pour new footers will be the minimum necessary to complete the project. No removal of trees or shrubs is proposed.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2)(iii) is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the property boundaries to construct the proposed 320 SF deck as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. No Specimen Trees are to be removed with approval of this Alternative Compliance application.
3. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses and Permits, Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams, and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any County permits.

DocuSigned by:

*Lynda Eisenberg*

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Lynda Eisenberg, Director  
Department of Planning and Zoning

DocuSigned by:

*Yosef Kebede*

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Yosef Kebede, Director  
Department of Public Works

DocuSigned by:

*Timothy Lattimer*

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Timothy Lattimer, Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DPW



**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:** Residential Townhome

**Subdivision Name/Property Identification:** Village of River Hill, Section 4, Area 1

**Location of property:** 5964 Gentle Call, Clarksville MD, 21029

**Existing Use:** Primary Residence      **Proposed Use:** Primary Residence

**Tax Map:** 0035      **Grid:** 0007      **Parcel No:** 0452      **Election District:** 09A

**Zoning District:** NewTown      **Total site area:** 320 sq. ft.

**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:**

Existing deck was built before the stream buffers were extended from 75' to 100'. Deck is now aged and deteriorating to the point of being a safety concern. Plan is to demolish and build a new deck. Permitting drawings will be submitted upon approval of Alternative Compliance Application.

**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	Demo existing 2 story deck within 100' stream buffer. Rebuild deck 3' longer than the existing one.

Section Reference No.	Brief Summary of Request

**Signature of Property Owner:** Steve Zinn **Date:** 06/21/23

**Signature of Petitioner Preparer:** Michael Naugler **Date:** 06/21/23

**Name of Property Owner:** Steve Zinn **Name of Petition Preparer:** Michael Naugler

**Address:** 5964 Gentle Call **Address:** 7380 Coca Cola Drive #123

**City, State, Zip:** Clarksville, MD, 21029 **City, State, Zip:** Hanover, MD, 21076

**E-Mail:** zinn@compuserve.com **E-Mail:** mikenaugler@clarksvilleconstruction.net

**Phone No.:** 410-599-7432 **Phone No.:** 443-202-0957

**Contact Person:** Steve Zinn **Contact Person:** Mike Naugler

**Owner's Authorization Attached**