



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

August 23, 2024

Jeffrey Brown
9995 Guilford Rd
Jessup, MD 20794

RE: WP-24-109, 9995 Guilford Rd

Dear Mr. Brown:

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 August 22, 2024 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)(i)** of the Subdivision and Land Development Regulations to update and expand an existing carport and driveway that is within the 50-foot streambank buffer by 330 square feet in order to construct an enclosed attached two-car garage. Please see the attached Final Decision Action Report for more information.

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

The applicant is proposing a minor expansion and renovation of the existing carport to construct an 802 square foot enclosed two-car garage. The existing carport is located entirely within the 50-foot streambank buffer that runs along the southern side of the property. The updates proposed include an expansion of 211 square feet to the existing carport footprint and expanding the top of the existing driveway with new pavement by 119 square feet which increases permanent disturbance within the streambank buffer by 330 square feet. Strict conformance with the regulations would prohibit the applicant from the minimal expansion of the structure into the environmental buffers. Alternative locations were investigated and infeasible on the site which was constructed before the current environmental protections were in place. The request represents the minimal intrusion needed to make the modest improvement to the existing structure.

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 existing dwelling was constructed in 1960, prior to the current Subdivision Regulations. As a result of the current Subdivision and Zoning Regulations, a majority of the property has development restrictions. The southern side of the property is encumbered by a 50-foot streambank buffer and the rear of the property is encumbered with a 75-foot streambank buffer and the 100-year floodplain. As a result, a minimal amount of the property's land area is located outside of these sensitive environmental features. Additionally, the required setbacks further limit where a garage could be located on the subject property. In the R-12 zoning district, the required minimum side setback is 7.5 feet. The existing dwelling is located 17.4 feet from the northern side property line, where there are no sensitive environmental features,

which would only allow for 9.9 feet in width of buildable space for a garage which is not feasible. Based on these restrictions, the only space that could accommodate a two-car garage while strictly adhering to the regulations would be in the front yard. This would require the applicant to relocate the driveway, which would not only result in a practical difficulty and unreasonable hardship but would also result in a greater disturbance to the stream-bank buffer than is proposed for the garage renovation.

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

Granting this variance will not confer to the applicant a special privilege that would be denied to other applicants as the disturbance is the minimum needed to meet the modest addition request and the current carport structure and driveway are located entirely within the streambank buffer. Any modification to these items would require this alternative compliance.

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

There is no evidence that this modification will be detrimental to the public health; safety or welfare, or injurious to other properties.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

Disturbance will be returned to its natural condition to the greatest extent possible and will be improved with permanent, natural vegetative cover.

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

There are no vegetative habitats that are expected to be affected by the proposed improvements. Any valuable habitat that exists on-site is located in the rear of the property where no disturbance is proposed. Mitigation to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat will be provided in the form of permanent grass seeding and/or sodding.

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 design has taken into consideration the sloped topography of the side yard, and grading, removal of vegetative cover and trees, or construction has been kept to the minimal extent possible to accommodate the necessary improvements. The Limit of Disturbance within the streambank buffer is proposed to be 1,068 square feet with 921 square feet of disturbance being permanent. Existing disturbance to the streambank buffer is 591 square feet, so the proposed renovation will only increase permanent disturbance by 330 square feet. No removal of trees or vegetation, other than lawn, is required for the proposed improvements. All disturbed land area outside of the building footprint will be topsoiled and planted with permanent vegetation.


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

- 1. No grading or removal of vegetative cover or trees is permitted within any environmental features, except for the specific area approved under this alternative compliance request.*
- 2. All land area within the 100-year floodplain and streambank buffers must be free of debris and disturbance and must be maintained in its natural state, except for the area approved under this alternative compliance request.*

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 Jason Lenker at (410) 313-4394 or email at jlenker@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JL

cc: Research
DLD - Julia Sauer
Real Estate Services
Jeffrey Brown – jjavanbrn@gmail.com
Stefan Lucas – forumninedesign@gmail.com



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

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-24-109, 9995 Guilford Road**
Request for an alternative compliance to Section 16.116(a)(2)(i) of the Subdivision and Land Development Regulations.

Applicant: Jeffrey Brown
9995 Guilford Rd
Jessup, MD 20794

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)(i)** of the Subdivision and Land Development Regulations. The purpose is to update and expand an existing carport and driveway that is within the 50-foot streambank buffer by 330 square feet in order to construct an enclosed attached two-car garage. The Directors deliberated the application in a meeting on August 22, 2024.

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 applicant is proposing a minor expansion and renovation of the existing carport to construct an 802 square foot enclosed two-car garage. The existing carport is located entirely within the 50-foot streambank buffer that runs along the southern side of the property. The updates proposed include an expansion of 211 square feet to the existing carport footprint and expanding the top of the existing driveway with new pavement by 119 square feet which increases permanent disturbance within the streambank buffer by 330 square feet. Strict conformance with the regulations would prohibit the applicant from the minimal expansion of the structure into the environmental buffers. Alternative locations were investigated and infeasible on the site which was constructed before the current environmental protections were in place. The request represents the minimal intrusion needed to make the modest improvement to the existing structure.

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 existing dwelling was constructed in 1960, prior to the current Subdivision Regulations. As a result of the current Subdivision and Zoning Regulations, a majority of the property has development restrictions. The southern side of the property is encumbered by a 50-foot streambank buffer and the rear of the property is encumbered with a 75-foot streambank buffer and the 100-year floodplain. As a result, a minimal amount of the property's land area is located outside of these sensitive environmental features. Additionally, the required setbacks further limit where a garage could be located on the subject property. In the R-12 zoning district, the required minimum side setback is 7.5 feet. The existing dwelling is located 17.4 feet from the northern side property line, where there are no sensitive environmental features, which would only allow for 9.9 feet in width of buildable space for a garage which is not feasible. Based on these restrictions, the only space that could accommodate a two-car garage while strictly adhering to the regulations would be in the front yard. This would require the applicant to relocate the driveway, which would not only result in a practical difficulty and unreasonable hardship but would also result in a greater disturbance to the stream-bank buffer than is proposed for the garage renovation.

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

Granting this variance will not confer to the applicant a special privilege that would be denied to other applicants as the disturbance is the minimum needed to meet the modest addition request and the current carport structure and driveway are located entirely within the streambank buffer. Any modification to these items would require this alternative compliance.

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

There is no evidence that this modification will be detrimental to the public health; safety or welfare, or injurious to other properties.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

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

There are no vegetative habitats that are expected to be affected by the proposed improvements. Any valuable habitat that exists on-site is located in the rear of the property where no disturbance is proposed. Mitigation to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat will be provided in the form of permanent grass seeding and/or sodding.

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 design has taken into consideration the sloped topography of the side yard, and grading, removal of vegetative cover and trees, or construction has been kept to the minimal extent possible to accommodate the necessary improvements. The Limit of Disturbance within the streambank buffer is proposed to be 1,068 square feet with 921 square feet of disturbance being permanent. Existing disturbance to the streambank buffer is 591 square feet, so the proposed renovation will only increase permanent disturbance by 330 square feet. No removal of trees or vegetation, other than lawn, is required for the proposed improvements. All disturbed land area outside of the building footprint will be topsoiled and planted with permanent vegetation.

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

1. *No grading or removal of vegetative cover or trees is permitted within any environmental features, except for the specific area approved under this alternative compliance request.*
2. *All land area within the 100-year floodplain and streambank buffers must be free of debris and disturbance and must be maintained in its natural state, except for the area approved under this alternative compliance request.*

DocuSigned by:

Lynda Eisenberg

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

Signed by:

Yosef Kebede

Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DPW
Jeffrey Brown – jjavanbrn@gmail.com
Stefan Lucas – forumninedesign@gmail.com



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

June 13, 2024

Jeffery Brown
9995 Guilford Rd.
Jessup, MD 20794

RE: WP-24-109, 9995 Guilford Rd.

Dear Mr. Brown:

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.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments should be submitted to this Division for distribution.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before July 28, 2024***), 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 must be received on or before the due date. Submission materials can also be emailed to planning@howardcountymd.gov for processing. **Please include this letter with your submission as it will serve as the checklist for staff.**

If you have any questions, please contact Jason Lenker at (410) 313-4394 or email at jlenker@howardcountymd.gov.

Sincerely,

DocuSigned by:

for
29266B221B8841E...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JL

cc: Research
DLD - Julia Sauer
Real Estate Services
Jeffrey Brown – jjavanbrn@gmail.com
Forum Nine Design, LLC – Forumninedesign@gmail.com



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