MARSHA S. MCLAUGHLIN,	*	**BEFORE THE**
DIRECTOR, DEPARTMENT OF	*	**PLANNING BOARD OF**
PLANNING AND ZONING	*	**HOWARD COUNTY, MARYLAND**
ZRA 112	*	

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MOTION: ***To recommend approval of ZRA 112 in accordance with the Department of Planning and Zoning recommendation.***

ACTION: ***Recommended Approval; Vote 3 to 1.***

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On October 23, 2008, the Planning Board of Howard County, Maryland, considered the petition of Marsha S. McLaughlin, Director, Department of Planning and Zoning for an amendment to the Zoning Regulations to amend Section 128.A.9. of the Zoning Regulations by establishing new provisions to allow fences six feet or less in height along rear or side lot lines adjoining public streets for lots that are not corner lots; to allow, with certain limitations, fences six feet or less in height along side lot lines adjoining public streets for corner lots; and to prohibit closed fences and walls over three feet in height within a defined triangular area adjoining the intersection of the two streets for a corner lot.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition.

Ms. McLaughlin stated that there has been a great deal of confusion in the past concerning setbacks for privacy fences. She explained that these types of fences do not require building permits, but have often been authorized under Columbia's restrictive covenants. She noted that even if this amendment is approved, if the New Town covenants are more restrictive, they would still apply.

Joan Lancos testified that this general issue began with a zoning violation case in Hickory Ridge, and as the case progressed, it was determined that there were over 100 examples of fences in the area that do not comply with the current regulations. She stated that Marsha McLaughlin and Mary Kay Sigaty worked on a resolution to allow people to keep their existing fences. Ms. Lancos said she supports the amendment because it will grandfather the existing fences and will allow people to have these fences along busy roads.

Mike Gussin testified in opposition to the petition. Richard Talkin stated that he generally agrees with the amendment but he suggested that perhaps there should be evaluations of fence designs.

Mr. Rosenbaum stated that it would solve the problem of existing fences, but there may be concerns about how the fences will look. He also suggested that perhaps there should be a building permit requirement so there can be an evaluation of each fence.

Mr. Yelder commented that the amendment is sensible, and it enables property owners to have reasonable privacy fences. Mr. Grabowski noted that in the NT District the design control will still be made by the architectural committee, and he said he understands the need to allow people to potentially create more privacy along busy roads.

Ms. CitaraManis voted against approval primarily because it included the NT zone which is currently excluded from Section 128.A.9 of the regulations. She felt there was inadequate discussion or review of the significant impact or adverse affects this legislation will have on the architectural control and authority vested in Columbia and the individual villages. While privacy and safety are valid concerns, the sole impetus for this legislation was to grandfather in non-compliant fences. To do so, without full consideration why NT has been excluded from the zoning regulations for the past 40 years and how to ensure safety and privacy without pre-empting the architectural control vested in the villages and Columbia, undermines the integrity of the process. Ms. CitaraManis therefore recommends that the Council not approve this ZRA without further analysis of the impact this legislation to the NT zone.

Mr. Rosenbaum made the motion to recommend approval of the petition. Ms. CitaraManis seconded the motion. The motion passed by a vote of 3 to 1.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 18th day of February, 2009 recommends that ZRA 112, as described above, be **APPROVED**.

HOWARD COUNTY PLANNING BOARD

Dave Grabowski /jm

David Grabowski, Chairman

Gary Rosenbaum /jm

Gary Rosenbaum, Vice-Chair

ABSENT

Linda A. Dombrowski

Tammy CitaraManis /jm

Tammy J. CitaraManis

Paul Yelder /jm

Paul Yelder

ATTEST:

Marsha S. McLaughlin

Marsha S. McLaughlin, Executive Secretary