HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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TECHNICAL STAFF REPORT

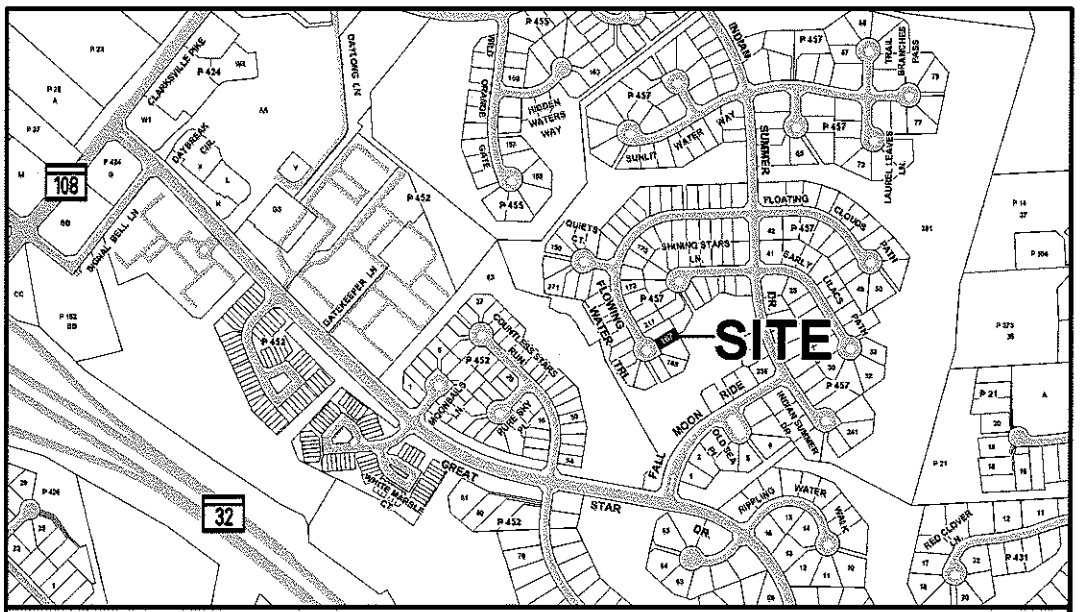
Planning Board Meeting of October 16, 2008

Case No./Petitioner: **ASDP-00-101/Paul & Maureen Pusateri**

Subject: Amended Site Development Plan
ASDP-00-101, Village of River Hill Section 4, Area 4, Lot 167

Request: The owner's request is for approval of an amended site development plan (ASDP) to allow construction of a 2-tiered deck which would increase the structure coverage from 30% to 35%. The subject property is zoned "NT" (New Town), is part of the Village of River Hill, Section 4, Area 4 and is subject to FDP-222-A-1, Part 1.

Location: The subject lot is located on the east side of the cul-de-sac bulb of Flowing Water Trail, approximately 2,960 ft. (.56 mi.) from the intersection of Fall Moon Ride and Great Star Drive. The site is identified as Lot 167 of the Village of River Hill, Section 4, Area 4, containing approximately 6,344sq.ft.of land zoned NT with a Single Family Medium Density (SFMD) land use designation. The property is situated within the cul-de-sac of Flowing Water Trail (east side), located on Tax Map 35, Grid 7, Parcel 457, Fifth Election District of Howard County, Maryland, also identified as 12165 Flowing Water Trail, Clarksville, MD 21029.



Vicinity Map: ASDP-00-101 NORTH **NOT TO SCALE**

1. BACKGROUND INFORMATION:

A. Site Description

The subject lot is 6,344 square feet or 0.1456 acre in size, is improved with a two story detached house, and is located in a neighborhood of detached houses on individual lots. The footprint of the existing house covers 1900.5 square feet (30%) of the 6,344 square foot lot. The rear property abuts residential Lot 197 and part of Open Space Lot 213. Residential Lots 166 and 168 adjoin the subject lot on the south and north, respectively. The subject lot and surrounding residential lots are zoned New Town – Single Family Medium Density land use and the open space lot is zoned New Town – Open Space Credited land use per FDP-222- A-1, Part 1. The subject property derives its vehicular access from Flowing Water Trail.

B. History

The initial site development plan which was submitted for the development of this site was approved by the Department of Planning and Zoning on May 31, 2000, under SDP-00-101. On December 12, 2000, a red-lined revision was made to SDP-00-101 which revised and increased the proposed house footprint to the maximum allowed 30% lot coverage. For this reason, notes were placed on the Site Development Plan requiring PB approval for any proposed additions that would increase total lot coverage over 30% (as dictated by FDP-222-A-1, Part 1).

C. Proposal

The applicant proposes to construct a two(2) tiered deck extending from the rear of the home. The overall deck will measure approximately 14' x 33'. The upper portion is 316 square feet (approx. 22.5' x 14') with a maximum height of 2'-1" (25") off the ground and will include a railing. The lower portion is 163 square feet (approx.11.5' x 14') with a maximum height of approx. 1'-2½" (14.5") off the ground, will not include a railing and will function similar to a patio. Because the lower portion will be less than 18" in height, it will not be considered a "structure" (per the Zoning Regulations); and is, therefore, excluded from coverage calculations.

2. EVALUATION AND CONCLUSIONS:

A. At the time of construction of the existing, single-family, detached house the maximum lot coverage was utilized. The applicant is now requesting to add a 2 tiered rear deck addition. With this addition the lot coverage will increase to 35% -- exceeding the Final Development Plan criteria that limit lot coverage by major structures to not exceed 30% of the total lot area.

B. In accordance with Section 125.E.4.d of the Zoning Regulations, the Planning Board must evaluate the acceptability of the proposed increase above the allowable lot coverage based on 2 criteria:

(1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property and will not be detrimental to the public welfare:

Construction of the homes in this neighborhood occurred in or around 2001. The neighborhood is nicely landscaped and the houses are uniformly scaled in proportion to their respective lots. The proposed deck addition, which would increase the lot coverage from 30% to 35%, will not make Lot 167 incompatible with others in the neighborhood. The applicant has noted that there are at least 5 other homes that have added decks of approximately 400 square feet in size. Although Lot 167 is one of the smaller lots in the neighborhood, the large area of open space to the rear of the lot contributes to the perception that the house is in scale and compatible with its surroundings.

In addition to the above, the proposed color of the deck boards will match the siding and the railing will be the same color as the house trim. The railing will also be the same style and color of neighboring decks. The deck will not be on "stilts" and requires railing only on the upper portion. The deck will be visible from the rear yards of only two neighbors (one adjacent to and one opposite the applicant's rear lot). The deck addition will not alter the character of the developed residential neighborhood, will not impair the use of the adjacent and surrounding developed residential lots and there will be no negative visual impact. The proposed structure is not detrimental to the public welfare. The owner states in the Application that the Architectural Committee has approved the size and design of the proposed 2-tiered deck.

(2) The adjustment is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan criteria:

The proposed adjustment to the bulk requirement for the allowable lot coverage will permit the petitioner to construct a deck which will be accessed from the existing rear sliding doors. Currently there is no access to the rear yard from the interior of the home. Per the applicant, the deck addition will provide safe access to the rear yard. A tiered deck design is needed (verses a patio) due to the elevation. Steps leading out the back door to a patio would take up more room in the rear yard and it would be difficult and possibly dangerous for the applicant's elderly parents (who stay with the family several months of the year) to negotiate steps versus walking directly out onto a deck. Strict compliance with the lot coverage Final Development Plan criteria would prohibit the construction of this deck. Allowing the additional coverage adjustment for the two-tiered deck will increase the usefulness, enjoyment, and value of the applicant's property.

THIS FILE IS AVAILABLE FOR PUBLIC REVIEW AT THE DEPARTMENT OF PLANNING AND ZONING'S PUBLIC SERVICE CENTER, MONDAY THROUGH FRIDAY, 8:00 A.M. UNTIL 5:00 P.M.

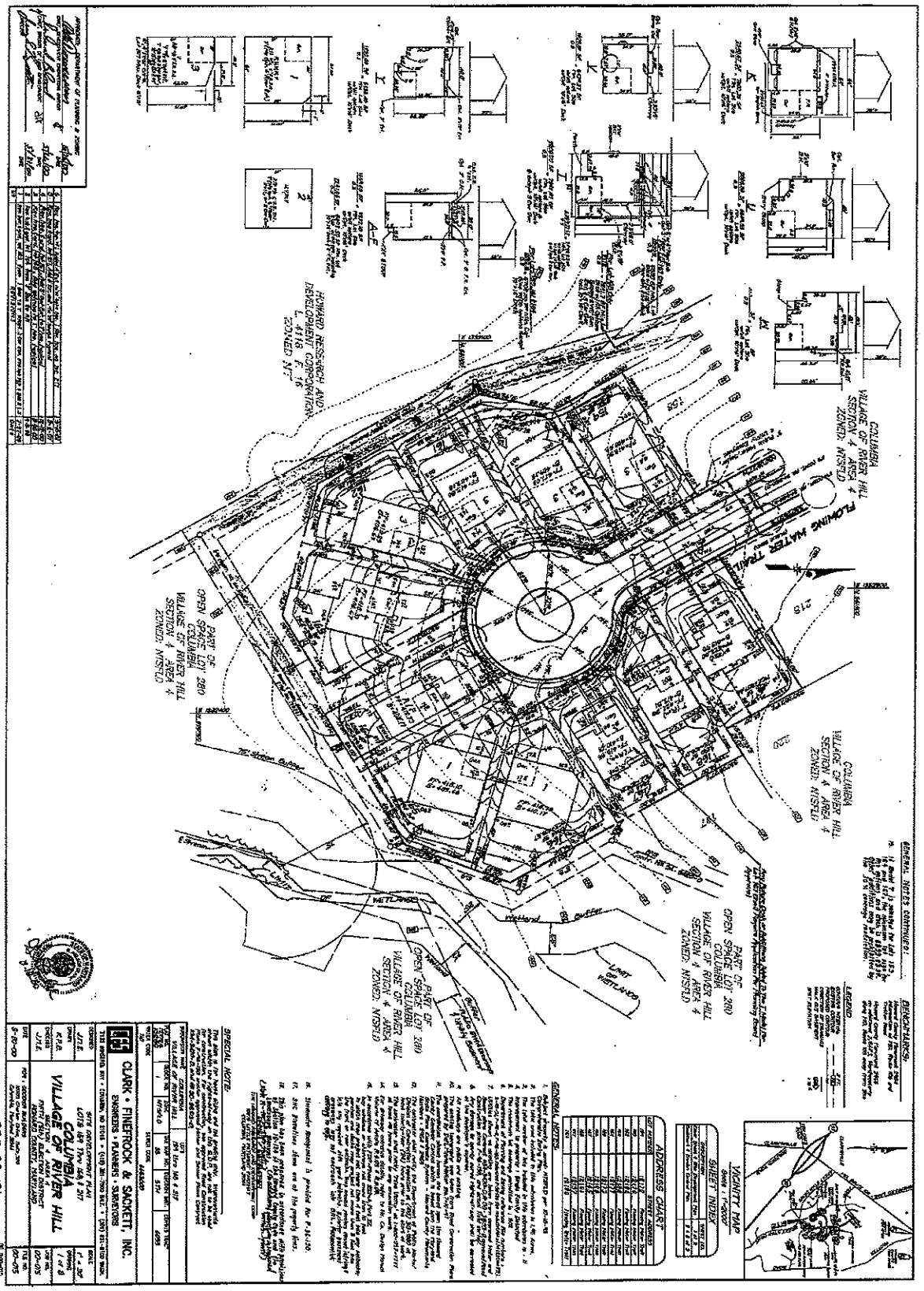
3. RECOMMENDATION:

Based upon the above findings, the Department of Planning and Zoning recommends that the Planning Board approve the Amended Site Development Plan (ASDP-00-101) to allow the addition of a 2-tiered deck thus increasing lot building coverage from 30% to 35". Approval shall be contingent on the submission of a red-line revision for SDP-00-101 showing the proposed improvements.

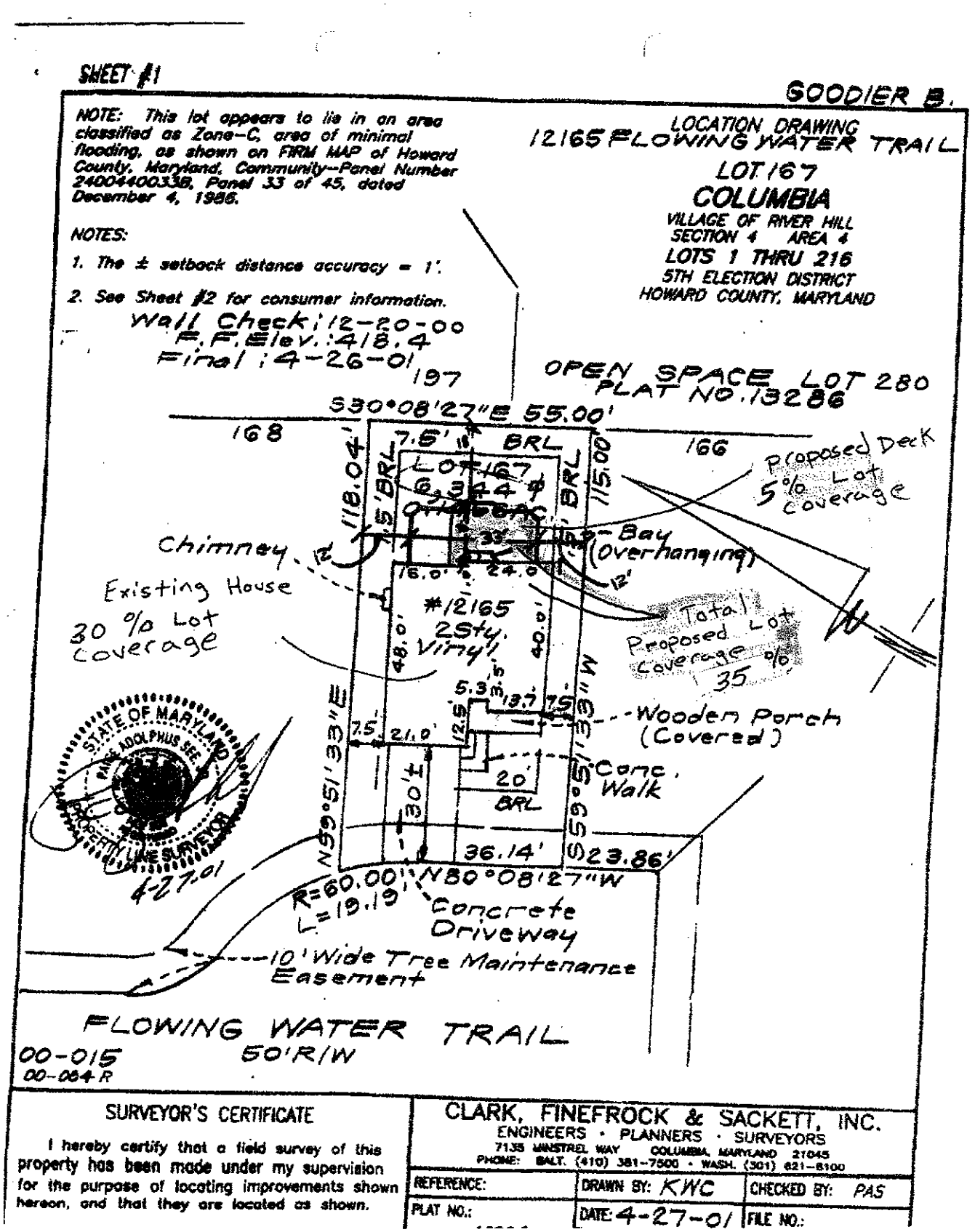
Marsha McLaughlin, Director

Date 10/2/08

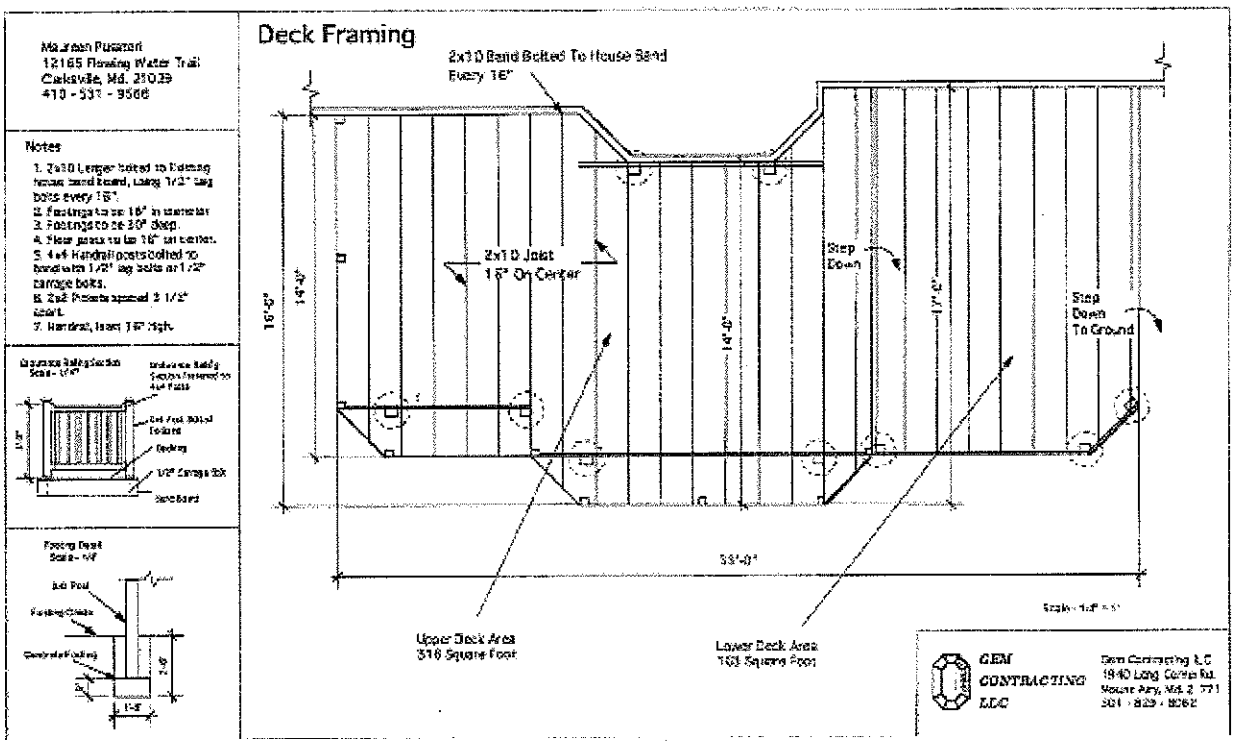
SITE DEVELOPMENT PLAN – SDP-00-101

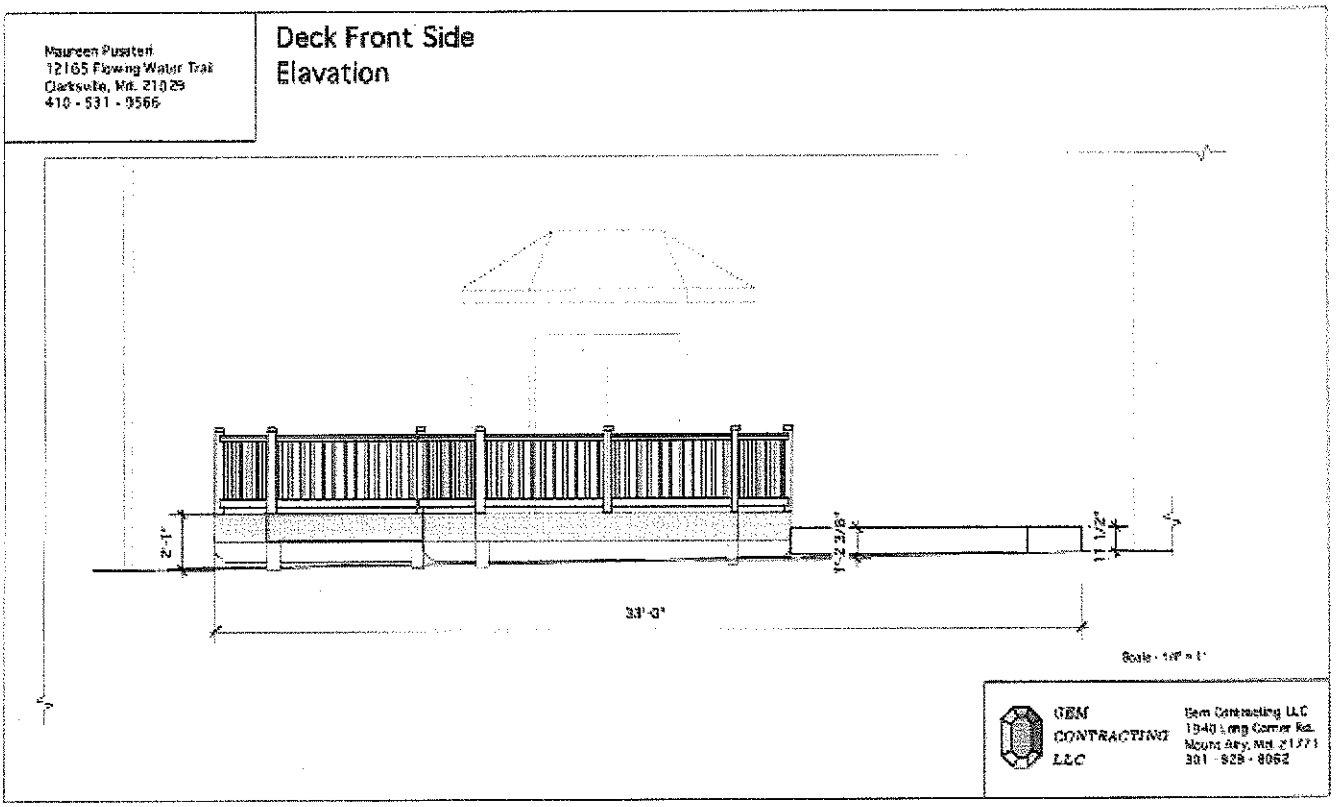


DETAILED PLOT PLAN – VRH 4/4 Lot 167 – 12165 Flowing Water Trail, Clarksville, MD 21029



DECK – Elevation / Details

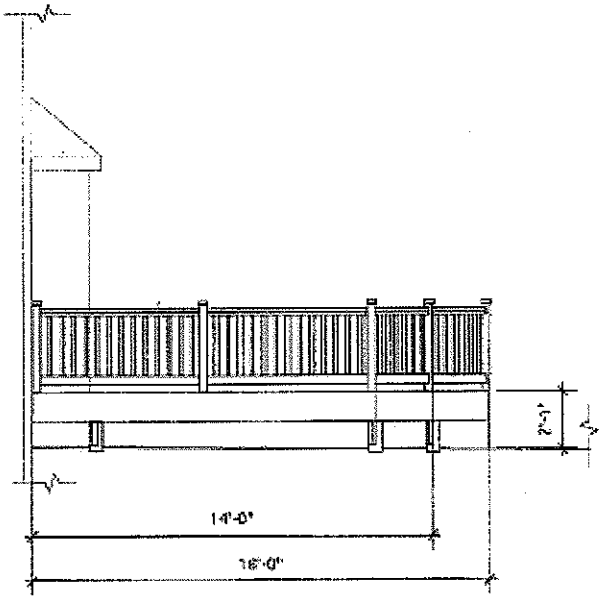




DECK – Elevation / Details - Continued

Maureen Pusaton
12165 Flowing Water Trail
Clarksville, Md. 21029
410 - 531 - 9566

Deck Left Side Elavation

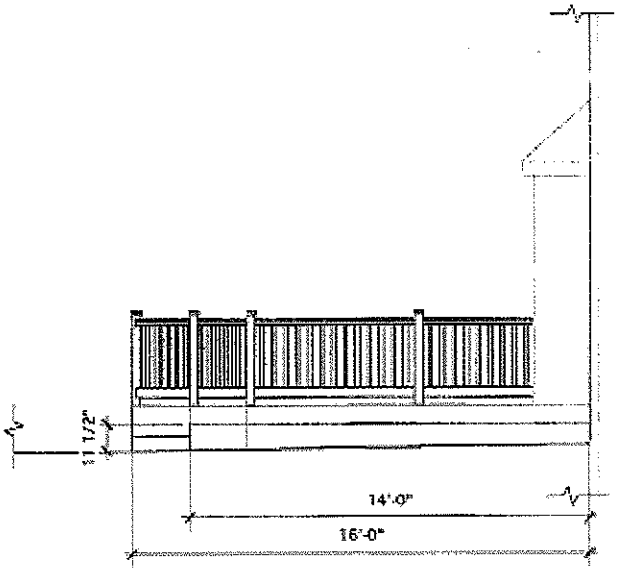


Scale - 1/4" = 1'

GEM CONTRACTING LLC
Gem Contracting LLC
1940 Long Corner Rd.
Mount Airy, Md. 21771
301 - 829 - 8062

Maureen Pusaton
12165 Flowing Water Trail
Clarksville, Md. 21029
410 - 531 - 9566

Deck Right Side Elavation



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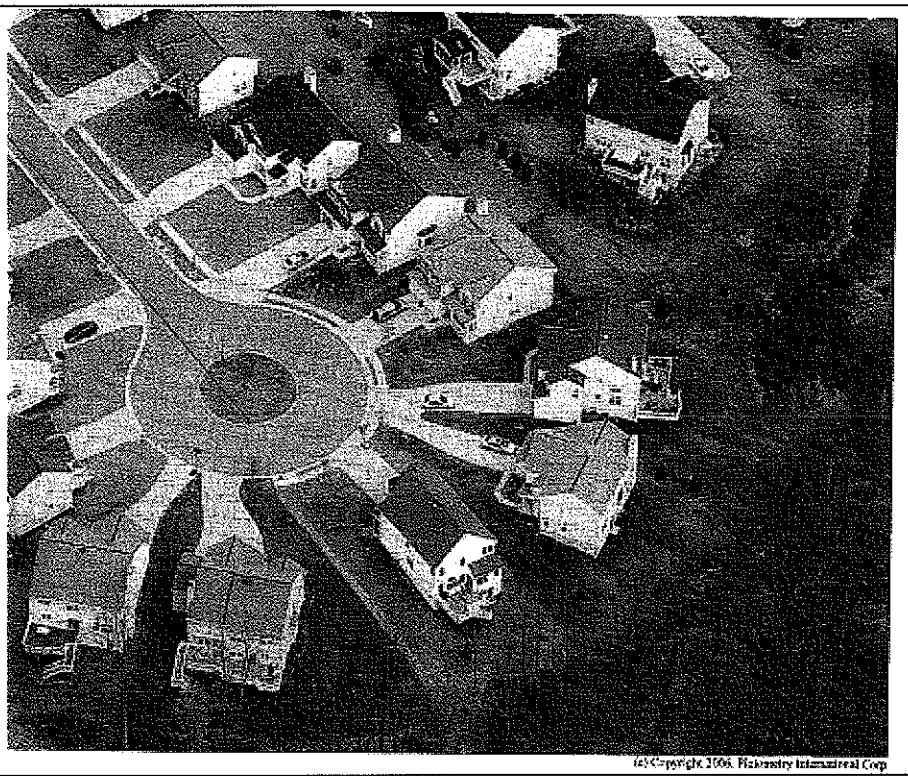
PHOTOGRAPH S

Aerial



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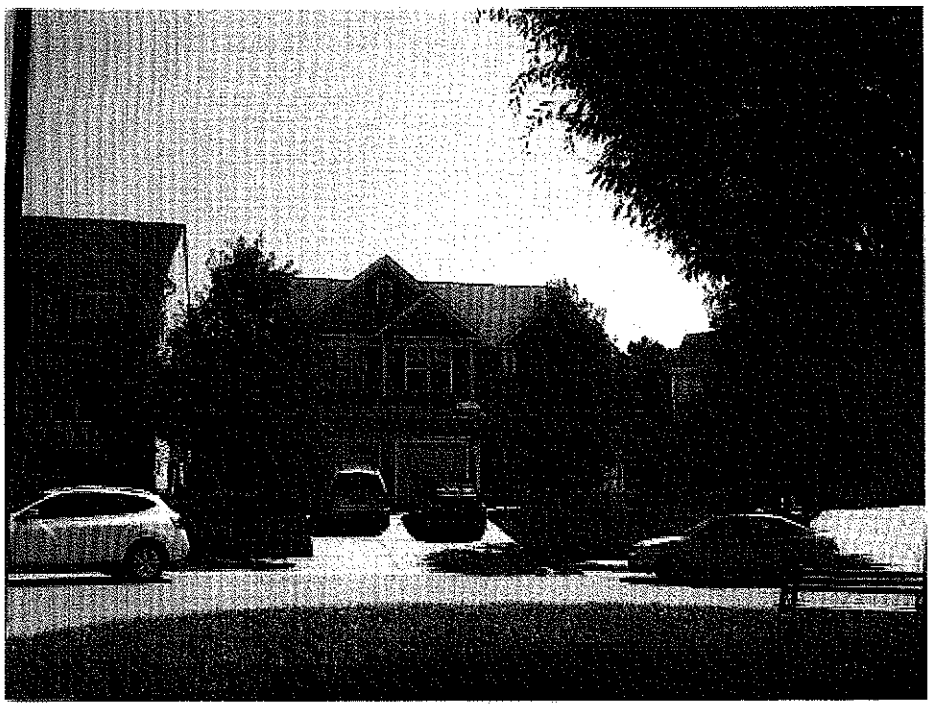
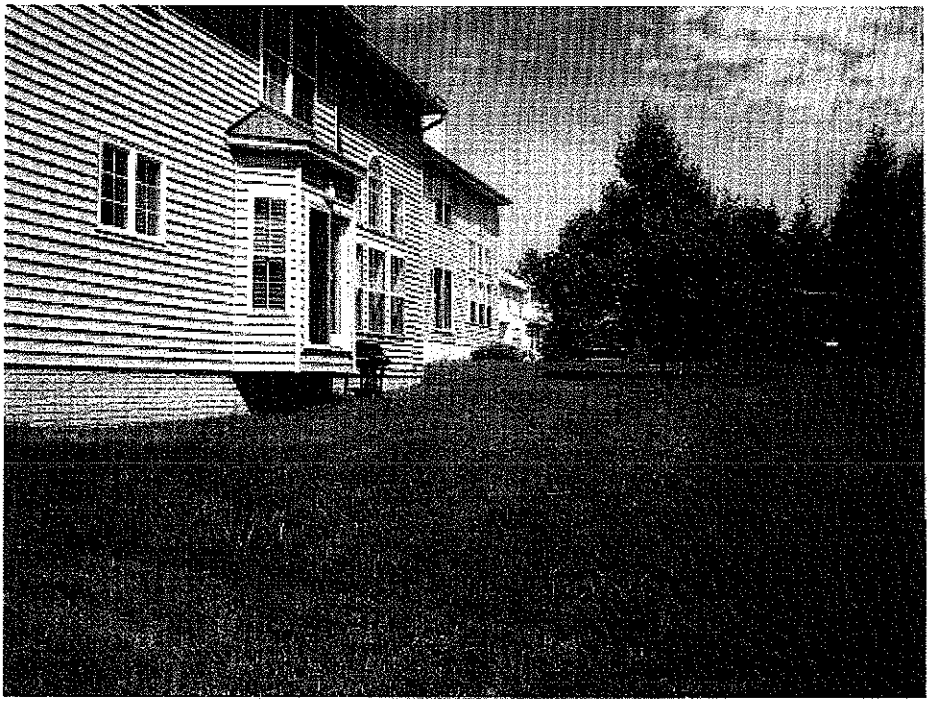
Street View – Front of House

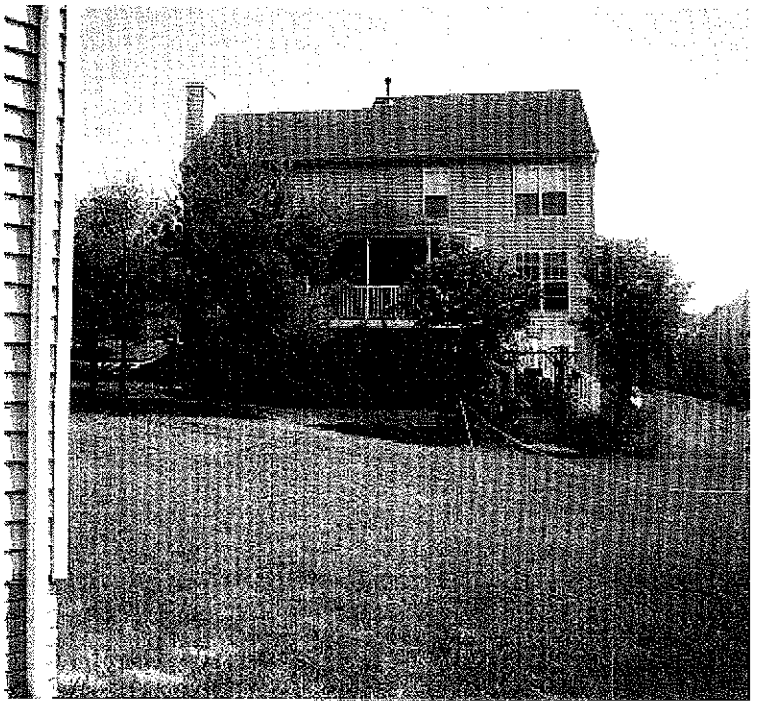


Rear of House – sliders will lead to 2-tier deck

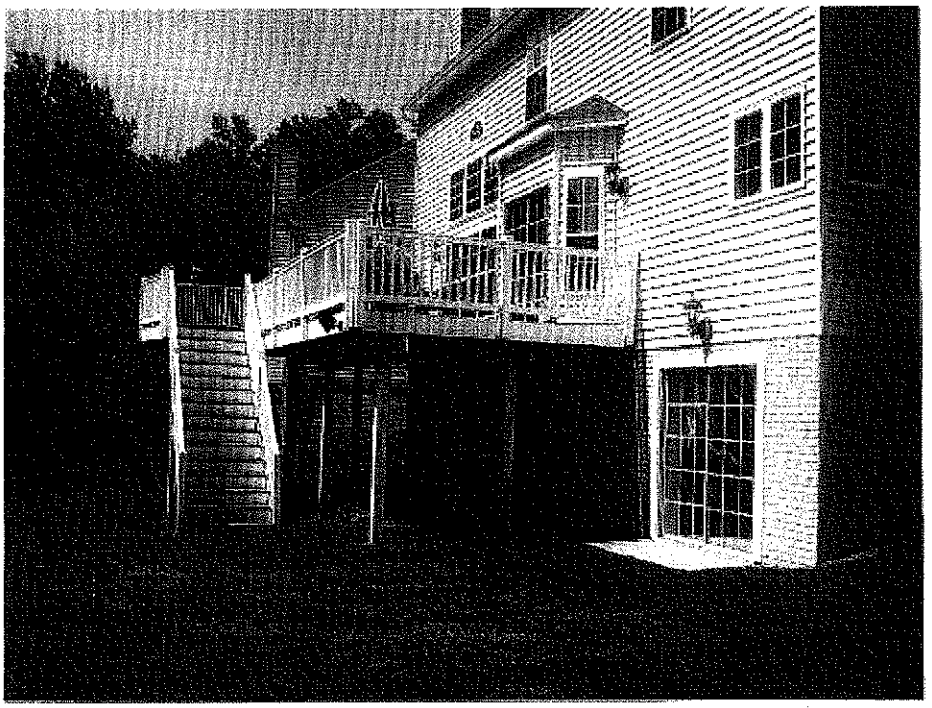


Back Yard

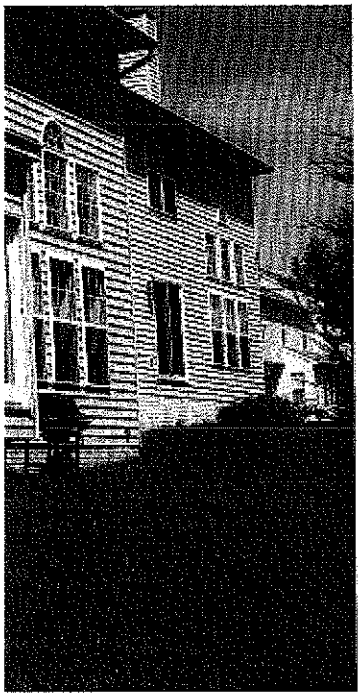
Adjacent House – Rear (East) – Lot 197 with large screened porch



Adjacent House – South Side – Lot 166 with large deck on stilts



Adjacent House – North Side – No deck



Signatures of Adjacent Property Owners

APPLICATION FOR MINOR RESIDENTIAL STRUCTURES AND ADDITIONS
IN THE NEW TOWN, MXD OR PGCC ZONING DISTRICT
FOR CONCEPT SITE DEVELOPMENT PLAN
OR AMENDED SITE DEVELOPMENT PLAN

STATEMENT OF ACKNOWLEDGEMENT

Attached: Detailed Plot Plan and Public Notice _____

I (We), the undersigned, the legal and fee simple owners of property which adjoins the subject site, 12105 Flowing Water Trail, referenced on the attached detailed plot plan, do acknowledge the location and nature of the proposed construction shown on said plot plan, and are aware of the date, time and place of consideration by the Planning Board of Howard County in an open meeting, at which time comments from the public concerning this proposal may be submitted.

My (Our) signature(s) to this document is not to be construed as either support or protest of the proposed construction, only that I (We) have reviewed and understand the material contained herein.

Date	Name	Address
5/19	Leslie + Craig Weiner	12157 Flowing Water Trail Clarksville, Md 21029
5/19	Kijal Shah	12129 Shining Stone Lane
5/19	Dennis Gatcher	12125 Shining Stone Lane
5/19	[illegible] Moske	12161 Flowing Water Trail
5/19	Julia Nelson	12169 Flowing Water Trail