Case No./Petitioner: ASDP-83-093, Bruce and Ann Altschuler

Project Address: Columbia, Village of King’s Contrivance, Section 2, Area 3, Phase 2, Lot 252, 7308 Silent Bird Court, located on Tax Map 42, Grid 7, Parcel 62, in the Third Election District of Howard County, Maryland

DPZ Planner: Jennifer Wellen, (410) 313-4394, jwelen@howardcountymd.gov

Request: The petitioner is requesting approval for an Amended Site Development Plan (ASDP) to allow a 33 foot high emergency amateur radio antenna mounted on a pole mast in the rear yard of the subject property located 14 feet from the eastern rear property line in accordance with Final Development Plan, FDP-178-A-4, Part 2 and Section 128.0.E.2.a.(1) of the Howard County Zoning Regulations. The subject property is zoned “NT-SFMD” (New Town - Single Family Medium Density), is part of the Village of King’s Contrivance, Section 2, Area 3, Phase 2 and is subject to FDP-178-A-4, Part 2 and Section 128.0.E.2.a.(1) of the Howard County Zoning Regulations.

Location: The subject property is located at the north-east side of Silent Bird Court and Kindler Road in Columbia, Maryland.

DPZ Recommendation: DPZ recommends Approval based on the findings outlined below in the “Evaluation” section of this Staff Report, the three conditions of approval indicated herein and any conditions imposed by the Planning Board.
Site Description and History:

- The subject property, Lot 252 is 8,897 square feet or 0.20 acres in size and is improved with a two-story single-family detached dwelling. The subject property and the surrounding residential lots are zoned “New Town - Single Family Medium Density” land use per FDP-178-A-4,Part 2 and are all improved with detached houses. The subject lot is an interior lot with access from Silent Bird Court, a County public road with a 50 foot public road right-of-way, located along the front of the lot. Adjoining Lots 251 & 253 are both improved with single family detached residential dwellings.
- The petitioners are HAM radio operators authorized to assist in emergency operations of Howard County during an emergency crisis.
- The petitioner purchased the subject property in 1997 with two existing radio antennas located in the rear yard. These existing radio antennas were approved by the King's Contrivance Community Association Architectural Committee in 1991 and again in 1992.
- In 2014, the petitioner replaced the two existing antennas with a new single modern radio antenna. The new 33 feet high antenna is 3 feet higher than the previous antennas and is located 14 feet from the eastern property line on an existing concrete pad.
- On July 24, 2014 the Village of King's Contrivance Home Owner’s Association and Architecture Board approved the replacement antenna and in September, 2014 a building permit was issued by Howard County Department of Inspections, Licenses and Permits.
- In August 2014, DPZ received a complaint regarding the replacement antenna, alleging that the height was “significantly higher than the previous antenna and that the new communication tower’s location is closer to adjoining residential lots than the previous antenna.”
- In September, 2014, DPZ opened case CE-14-091 and determined that the replacement antenna was permitted as a replacement in-kind since the amateur radio antenna that was installed in 1991 was approved in accordance with the regulations at that time.
- DPZ's decision regarding Case No. CE-14-091 was appealed on October 10, 2014 to the board of Appeals (Case No. 707D).
- The Hearing Examiner reviewed Appeal Case No. 707D and ordered DPZ to measure the antenna height and distance from adjoining properties lines and map the location on the submitted plot plan. DPZ was further ordered to issue a NOV if it was determined that the replacement tower was in violation of the applicable setbacks.
- According to the Hearing Examiner’s orders, DPZ obtained the requisite measurements and determined that the replacement antenna was in violation of Sections 125.0.A.7 and 128.0.E.5 of the Howard County Zoning Regulations - “Communication Towers and Antennas.” DPZ issued a Notice of Violation requiring that the applicant seek a variance for a reduction of the required setback.
- On July 8, 2015 the applicant filed a Residential Variance Petition under BA Case No. 15-028V for a reduction of the required accessory structure setback for the existing radio antenna.
- On August 11, 2015 the Hearings Examiner reviewed BA Case No.15-028V and determined that the variance petition would require approval from the Howard County Planning Board because of the underlying “New Town” zoning for the subject property and declined to consider the variance case.
- On December 11, 2015, the petitioner submitted an application for a Minor Residential Structure in the New Town Zoning District for an Amended Site Development Plan, ASDP-83-093 to request setback adjustment approval from the Howard County Planning Board.
Evaluation:

The petitioner has requested the accessory structure setback requirements for the existing radio antenna be adjusted in order to allow the existing radio antenna to remain in its present location and height.

In accordance with Section 125.0.G.4.d of the “New Town” Zoning Regulations and Section 128.0.E.2.a.(1) “Communication Towers and Antennas” of the Zoning Regulations, the Planning Board shall evaluate the acceptability of the proposed height and setback adjustment from the bulk requirements for the existing radio antenna based on the following 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.**

   The purpose of the existing accessory structure is for a federally licensed amateur radio antenna for emergency communication. The requested setback adjustment should not be detrimental to the public welfare. An existing amateur radio antenna has existed at this approximate location on Lot 252 since 1991. Therefore, the requested adjustment will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding properties. The existing radio antenna is in compliance with all applicable setback and height requirements in accordance with FDP-178-A-4, Part 2 which requires a minimum setback of 7.5 feet from all property lines not adjacent to a public road and a 34 foot structure height requirement. On July 24, 2014, the Village of King’s Contrivance (VKC) Community Association, Inc. Architectural Committee reviewed and approved the application for the subject radio antenna (see attached). The setback adjustment for the existing radio antenna, if granted is the minimum necessary to afford relief to the petitioner.

2. **The adjustment is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or results in better design than would be allowed by strict compliance with the development criteria.**

   The petitioner received all required building permits from the Howard County Department of Inspections, Licenses and Permits and VKC Community Association approvals for the location of the existing radio antenna. The antenna was originally installed in 1991 by a previous property owner and was replaced by the current property owner in its present location on the subject lot in 2014.

   The practical difficulties or hardships were not created by the property owner, as the property was purchased by the current owner with two existing radio antennas located in the rear yard at the approximate location of the present antenna. As a result of unique physical conditions affecting the subject property, including narrowness of the lot and the existing house placement, extraordinary hardships and practical difficulties result from strict compliance with the setback regulations restricting the location of the radio antenna in the rear yard of Lot 252.

Recommendation:

Based on the above findings, the Department of Planning and Zoning recommends **APPROVAL** of the requested setback adjustment for the existing amateur radio antenna on Lot 252 from the 33 foot minimum setback to the requested 14 foot setback, in accordance with ASDP-83-093 based on the following conditions:

1. The existing radio antenna and pole mast shall be reduced in height from 33 feet to 30 feet which was the height of the existing original antenna located on the subject property when the property was purchased by the petitioners in 1997.
2. The petitioner shall provide additional landscape plants along the eastern rear fence line of the property to supplement existing landscaping to provide sufficient screening to the adjacent property. The plantings should consist of at least one (1) evergreen tree with a minimum height of 5 to 6 feet and six (6) evergreen shrubs with a minimum size of 2 to 3 feet in height, spaced appropriately to provide adequate screening for the existing radio antenna.

3. Subject to compliance with the Village of King’s Contrivance Community Association, Inc. resident architectural committee application approval conditions as indicated in their approval letter dated July 24, 2014.

Valdis Lazdiņs, Director
Department of Planning and Zoning

This file is available for public review at the Department of Planning and Zoning’s public service counter, Monday through Friday, 8:00AM to 5:00PM.

VL/ks
Building Permit Application
Howard County, Maryland
Department of Inspections, Licenses and Permits
3430 Court House Drive
Permits: 410-313-2455
www.howardcountymd.gov

Received

Permit No. B14-002-3741

Property Owner's Name: Bruce K. Altschuler
Address: 7308 Silent Bindi
City: Columbia State: MD Zip Code: 21046
Phone: 410-339-6093 Fax: same
Email: cobalt-research@stoppower.net

Applicant's Name & Mailing Address, (if other than stated here)
Applicant's Name:
Address:
City: Columbia State: MD Zip Code: 21046
Phone:
Email:

Contact Name: Bruce K. Altschuler
Address: 7308 Silent Bindi
City: Columbia State: MD Zip Code: 21046
Phone: 410-339-6093 Fax: same
Email: cobalt-research@stoppower.net

Engineer/Architect Company: cobalt
Responsible Design Pro.: cobalt

THE UNDERSIGNED HEREBY CERTIFIES AND AGREES AS FOLLOWS: (1) THAT HE/SHE AUTHORIZES THIS APPLICATION; (2) THAT THE INFORMATION IS CORRECT; (3) THAT HE/SHE WILL COMPLY WITH ALL REGULATIONS OF HOWARD COUNTY WHICH ARE APPLICABLE; (4) THAT HE/SHE WILL PERFORM HIS/HER WORK ON THE ABOVE REFERENCED PROPERTY IN A SAFE AND REASONABLE MANNER; (5) THAT HE/SHE WILL PERFORM HIS/HER WORK IN ACCORDANCE WITH THE ZONING AND OTHER REGULATIONS OF THE COUNTY; (6) THAT HE/SHE WILL NOT ALTER ANY ADVERSELY AFFECT THIS PROPERTY FOR THE PURPOSE OF CAUSING THE WORK PERMITTED UNDER THIS PERMIT TO BE PERFORMED.

Bruce K. Altschuler
Title/Company
Email Address: cobalt-research@stoppower.net

Check Pays to: DIRECTOR OF FINANCE OF HOWARD COUNTY
*PLEASE WRITE ACROSS & LEGIBLE FOR OFFICE USE ONLY*

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Building Shell Permit Number: B14-002-3741

The undersigned hereby certifies and agrees as follows: (1) That he/she is authorized to make this application; (2) That the information is correct; (3) That he/she will comply with all regulations of Howard County which are applicable; (4) That he/she will perform his/her work on the above referenced property in a safe and reasonable manner; (5) That he/she will not alter any adversely affect this property for the purpose of causing the work permitted under this permit to be performed.

Bruce K. Altschuler
Title: Engineer/Architect
Email Address: cobalt-research@stoppower.net

Received: 7/31/14

Permit No. B14-002-3741

LICENCES & PERMITS DIVISION

July 31 2014

RECEIVED

Permit Fee $40.00
Tech Fee $5.00
Sales Tax $0
P&Z $0
Guaranty Fund $0
Adult Fee $0
Total Fees $45.00
Sub Total Paid $45.00
Balance Due $0
Check

*Mail to Owner*
LOCATION OF HOUSE
7308 SILENT BIRD
LOT 252

COLUMBIA
VILLAGE OF KING'S CONTRIVANCE
SECTION 2, AREA 3, PHASE 2
6TH ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

LOT 252
8,897 SF @ 54' X 54'

COURT

Silent Bird

12.0' x 7.5'
Deck Window
4.3' x 6'
Concrete Step (Covered) & Step

6.2' x 29.0'
6.0' x 20.0'

3' x 21.0'
Concrete Driveway

Wall Check: 6-6-85
Final: 9-10-85

SILENT BIRD COURT

60.0' to corner at Kinder Road.

SURVEYOR'S CERTIFICATE
I hereby certify that the boundaries of existing improvements on the above described property have been carefully established by 3-foot tape survey and that unless otherwise shown, there are no encroachments.

CLARK • FINEFRÖCK & SACKETT
ENGINEERS • PLANNERS • SURVEYORS
11315 LOCKWOOD DRIVE SILVER SPRING, MD 20904
TEL. NO 593-3400

REFERENCE DRAWN BY VHL CHECKED BY SMY
Plat 4030 DATE 9-11-85 FILE NO. 2G22-K
SCALE 1"=30'
HOWARD COUNTY
DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS
3430 COURT HOUSE DRIVE
ELLIOTT CITY, MD 21043

Residential Antenna Permit

PERMIT NUMBER: B14002741 APPLICATION DATE: 7/31/2014 ISSUE DATE: 9/16/2014

SITE ADDRESS:
7308 SILENT BIRD CT
COLUMBIA, MD 21046

PROPERTY OWNER INFO:
BRUCE R ALTSCHULER
7308 SILENT BIRD COURT
COLUMBIA, MD 21046
Phone #: 410-309-6085

Subdivision:
Lot No.: 252 Tax Map: 42 Grid: 42-7
ADC Map: 5053-A3 SDP No.: Zoning: NT Census Tract: 606803

DESCRIPTION OF WORK:
NOV/ SFD/ 'AS-BUILT/ REPLACE EXISTING ANTENNA IN KIND (SEE CB140795)

PRIMARY CONTRACTOR INFO:
Contractor License No.: 0

HOMEOWNER
License Address: BRUCE R ALTSCHULER
7308 SILENT BIRD COURT
COLUMBIA, MD 21046
Phone #: 410-309-6085

PRIMARY CONTACT INFO:
Contact Type: APPLICANT

HOMEOWNER
Phone #: 410-309-6085

Building/Lot Characteristics
Legal Description: IMP'SLOT 252.204 A] 7308 SILENT BIRD CT[ ] VIL KINGS CONTRIVANCE
Existing Use: SFD Water Supply: Public
Height: Sewage Disposal: Public
Basement:
SF # of Bedrooms:
SF # of Full Baths:
SF # of Half Baths:

Zoning Setback Requirements:
Front - Proposed: Required: Permit Fees:
Rear - Proposed: Required: Total Fees Invoiced: $155.00
Side - Proposed: Required: Total Fees Paid: $155.00
Side Street - Proposed: Required: Balance Due: $0.00

Meets Minimum Required Setbacks?: Lot Coverage for NT Zoning:

To schedule an inspection or check the results of an inspection please call (410) 313-3800

APPROVED BY THE DIRECTOR OF INSPECTIONS, LICENSES AND PERMITS - BUILDING OFFICIAL
July 24, 2014

Bruce & Ruth Altschuler
7308 Silent Bird Court
Columbia, MD 21046

KCRAC# 9912

Request: Antenna

The Architectural Committee has reviewed and approved your application for an exterior alteration or in home business with the following provision/waiver:

- Paint the antenna where possible to be less noticeable and install landscaping in backyard to provide screening for the back yard neighbors.

Please remember to obtain any addition approvals from your townhouse/condo association (if applicable) and/or Howard County (if required).

If you disagree with the decision, according to Article VII of the Kings Contrivance Village Covenants, a written appeal may be made within ten days of receipt of this letter to: Architectural Committee, C/O Kings Contrivance Community Association, Amherst House, 7251 Eden Brook Drive, Columbia, MD 21046.

Your cooperation with the architectural process is appreciated.

Very truly yours,

Laura Parrish
Covenant Advisor
September 25, 2013

Letter of Compliance

A site visit was made to your property for appointment to the Resident Architectural Committee and the findings follow:

The following alterations were approved/or observed:

- Deck—KCRAC#1297—3/26/1986
- Antenna—KCRAC# 2780—12/11/1991
- In-home business—KCRAC# 6212—10/8/1997
- Roof—KCRAC# 6290—4/22/1998
- Color change—KCRAC# 6583—8/25/1999
- Fence—KCRAC# 6531—11/10/1999
- In-home business—KCRAC# 7420—1/22/2003

This letter of compliance is valid for those exterior alterations installed and/or constructed in accordance with an approved exterior alteration application submitted to Kings Contrivance Community Association. Any deviation from that approval negates this letter of compliance.

Very truly yours,

Laura Parrish
Covenant Advisor
January 16, 1992

Rabbi Kenneth Cohen
7308 Silent Bird Court
Columbia, Maryland 21046

KCRAC# 2780
LOT
REQUEST: Antenna

The Resident Architectural Committee has approved your application for exterior alteration with the following provisions:

1. The antennas must be relocated to the rear of the house at approximately the location marked with an X on the plot plan.

OR

2. If antennas remain in current position, plant a 6 foot high white pine tree to screen the current location from the street and adjacent neighbor’s view.

If you disagree with the decision, according to Article VII of the Kings Contrivance Village Covenants, a written appeal may be made within ten days of receipt to: The Architectural Committee c/o Kings Contrivance Community Association, Amherst House, 7251 Eden Brook Drive, Columbia, Maryland 21046.

Your cooperation with the architectural process is greatly appreciated.

Sincerely,

Stephanie Moore
Covenant Advisor

enc.
Applicant: (Please print in ink or type)  
NAME: Debby Kenneth L. Cohen  
ADDRESS: 7303 Silent Bird Court  
PHONE: 381-2882 (Home)  
TYPE OF HOUSE:  
1) Single family, detached  2) Contemporary  
2) Townhouse, mid-unit  3) Traditional  
3) Townhouse, end-unit  4) Condominium  
DESIGN:  
(a) Contemporary  
(b) Traditional  
(c) New  
(d) Other  
COLOR:  
(a) Single family, detached  2) Contemporary  
2) Townhouse, mid-unit  3) Traditional  
3) Townhouse, end-unit  4) Condominium  
NEIGHBORHOOD (check below)  
1) MacGill's Common  
2) Dickinson  
3) Huntington  
ADDRESS:  
PHONE:  
1) Single family, detached  2) Contemporary  
2) Townhouse, mid-unit  3) Traditional  
3) Townhouse, end-unit  4) Condominium  
NAME:  
ADDRESS:  
TYPB OF HOUS^:  
DESIGN:  
COLOR:  
NAME:  
ADDRESS:  
APPLICATION APPROVED AS SUBMITTED.  
WE FELT THE COLOR OF ANTENNAS MATCHED  
SIGHTING & HAD SUFFICIENT SCREENING.  
APPLICATION DENIED FOR THE FOLLOWING REASONS:  
1) NEED TO MATCH ANTENNAS  
2) NEED TO MATCH SIGHTING  
3) NEED TO MATCH SCREENING  
APPLICATION APPROVED WITH FOLLOWING PROVISIONS:  
1) MATCH COLOR OF ANTENNAS  
2) MATCH SIGHTING  
3) MATCH SCREENING  
UNOBTRUSIVE VERTICAL ANTENNAS MOUNTED ON SIDE OF DECK.  
Pete Miller, Assistant Manager of the Maryland I.D.C. section of the American Radio Relay League supervising emergency communications by the 6,500 amateur radio operators in this region. Antennas and repeaters such as the one on the roof are very essential for public service.  
ACKNOWLEDGEMENT OF AFFECTED AND/OR ADJACENT PROPERTY OWNERS:  
NAME: Jim & Debbie Fletcher  
ADDRESS: 7303 Silent Bird Ct  
NAME: Kenneth Johnson  
ADDRESS: 7302 Bobolink Ct  
NAME: Hannah Clay  
ADDRESS: 7307 Silent Bird Ct  
NAME: Abe SYLLA  
ADDRESS: 7301 Silent Bird Ct  
I F YOU HAVE ANY QUESTIONS CONCERNING THIS APPLICATION, PLEASE CALL THE COVENANT ADVISOR AT 381-9600. Resident input may be given at open committee meetings. Individuals affected by this application are encouraged to contact the Village Office or attend the appropriate RAC meeting if they have comments regarding this proposal. Agendas are posted on the Village Center bulletin board.  
RECOMMENDED ACTION:  
1) Application approved as submitted.  
2) Application approved with following provisions:  
3) Application denied for the following reasons:  
4) Application approved with following provisions:
Unobtrusive vertical antennas mounted on side of deck.

Petitioner is Section Manager of the Maryland JDC section of the American Radio Relay League supervising emergency communication by the 6,000 amateur radio operators in this region. Antennas above roof line and essential for public service.

ACKNOWLEDGMENT OF AFFECTED AND/OR ADJACENT PROPERTY OWNERS:

NOTE: This acknowledgement indicates an awareness of intent and does not constitute approval or disapproval by the signatories.

NAME: Jim & Debbie Fletcher
ADDRESS: 7303 Silent Bird Ct

NAME: Shari Clay
ADDRESS: 7307 Silent Bird Ct

NAME: Kenneth Johnson
ADDRESS: 7302 Bobolink Dr.

NAME: Abe Sylla
ADDRESS: 7301 Silent Bird Ct

IF YOU HAVE ANY QUESTIONS CONCERNING THIS APPLICATION, PLEASE CALL THE COVENANT ADVISOR AT 381-9600. Resident input may be given at open committee meetings. Individuals affected by this application are encouraged to contact the Village Office or attend the appropriate RAC meeting if they have comments regarding this proposal. Agendas are posted on the Village Center bulletin board.

RECOMMENDED ACTION:

( ) Application approved as submitted.

( ) Application approved with following provisions:

( ) Application denied for the following reasons:

DATE OF KCRAC REVIEW: 12/11/91

SENT TO AC: 7/92