

**IN THE MATTER OF
RAZA HASSNAIN
PETITIONER**

*** BEFORE THE DIRECTOR OF
* DEPARTMENT OF PLANNING & ZONING
* CASE NO. AA-22-005
* 8227 ARBOR MEADOWS LANE**

DECISION AND ORDER

On August 12, 2022, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Mr. Raza Hassnain, for an Administrative Adjustment from Section 109.0.D.4.c(1)(c) to reduce the required 30-foot rear setback to 27.75 feet for an addition, as authorized under the Administrative Adjustment Procedure, Section 100.0.F.1. The notice of the hearing was posted on the subject property, 8227 Arbor Meadows Lane (“the Property”) in accordance with all applicable regulations. The Petitioner represented himself and was joined by Ms. Zakia Hassnain. No one testified in opposition.

Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Howard County Zoning Regulations.
2. The Subdivision and Land Development Regulations.
3. The Administrative Procedures Act of the Howard County Code.

During the hearing, the following items were introduced as exhibits:

1. Administrative Adjustment Petition and Plans submitted by the Petitioner.
2. Revised Plans submitted by the Petitioner “Exhibit A”.

Mr. Tyler provided a brief report on the Property and the Administrative Adjustment request. Mr. Hassnain concurred with the report and stated that the purpose of the Administrative Adjustment is to reduce the required 30-foot rear setback by 2.25 feet for a morning room addition on the rear of the existing house. Mr. Hassnain asserted that the inversion of the southeast corner creates a curvilinear rear setback that results in a more restrictive rear building restriction line and a hardship in complying with the required setback.

Mr. Hassnain further explained that the proposed addition will be limited to the rear of the Property, is adjacent to an open HOA area, and will not alter the essential character of the area. He stated further that he did not create the constraints as they are a result of the unique lot shape and a public easement encumbering the

Property. Mr. Hassnain asserted that this request is the minimum relief necessary. Ms. Zakia Hassnain, the Petitioner's sister, also provided testimony about the physical constraints related to the unique lot shape.

Mr. Hassnain provided updated plans as 'Exhibit A' depicting how the deck might be relocated after the Administrative Adjustment process had been completed. Mr. Tyler explained that the deck can be built anywhere along the rear of the house as long as the location of the addition is not changed, setbacks are complied with, and applicable permits are obtained. Based upon the testimony and exhibits presented at the hearing, and the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Petitioner, Raza Hassnain, is the owner of the Property, which is located on the south end of the cul-de-sac of Arbor Meadows Lane, approximately 150 feet northwest of the intersection of Waterloo Road and Mayfield Avenue. The Property is identified as Tax Map 37, Parcel 253, Lot 6 and is addressed 8227 Arbor Meadows Lane (the "Property"). The Property is 0.26-acre and is zoned R-12.
2. The lot was created on November 10th, 2005 through the recordation of Plat 18456.
3. According to Maryland Department of Assessment and Taxation records, the Petitioner purchased the property in 2007.
4. The Petitioner proposes to construct an approximately 273-square foot addition to the rear of the principal dwelling that will encroach 2.25 feet, or 6.6%, into the required 30-foot rear setback.
5. The Property is relatively flat with an average elevation of 344 feet.
6. The property to the north is a single-family detached dwelling within the R-12 zoning district. The property to the west consists of a stormwater management pond, to the east is Waterloo Road, and to the south is an open space lot within the NT zoning district.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

1. The irregularly shaped rear property line results in a curvilinear rear building restriction line that reduces the buildable area of the rear yard. This unique physical condition results in practical difficulties in complying with the required 30-foot rear setback.

2. The proposed addition encroaches into the rear setback, which is adjacent to a minor arterial road (Waterloo Road). The property to the north is a single family detached dwelling and the proposed addition is designed to be architecturally compatible with the neighborhood. The property to the south is an open space lot and there is a stormwater management pond to the west. The minor encroachment of two (2.25) feet into the 30-foot rear setback and is unlikely to be discernible from adjacent properties. The parcels to the east and south are not residentially developed properties. Therefore, the encroachment is unlikely to alter the essential character of the area, impair the use or development of the adjacent property, or be detrimental to the public welfare.
3. The practical difficulties resulting from the irregular lot shape located in the southeastern section of the Property were not created by the Petitioner, who purchased the Property in 2007.
4. The irregular lot shape results in practical difficulties in complying with the required 30-foot rear setback. The requested adjustment is 7.5% of the 30-foot setback, which is less than the 20% maximum allowed. Therefore, the adjustment is the minimum necessary to afford relief within the intent and purpose of the zoning regulations.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 6 day of September, 2022 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of Raza Hassnain for Administrative Adjustments to reduce the required 30-foot rear setback to 27.75 feet for an addition, be and the same is hereby **GRANTED**.



Amy Gowen, Director
Department of Planning and Zoning

Prepared By:



Justin Tyler, Director's Designee
Department of Planning and Zoning

Notice: A person aggrieved by this decision may appeal it to the Howard County Hearing Authority within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time, the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Hearing Authority. The person filing the appeal will bear the expense of providing notice and advertising the hearing.