TECHNICAL STAFF REPORT

Cottrell Property, Deck, Porch, and Storage Shed Additions

Planning Board Meeting January 5, 2017

File No. / Petitioner: Amended Site Development Plan (ASDP)-77-006, Robert Cottrell

Subject: ASDP-77-006, Deck, Porch, and Storage Shed Additions, 6345 Bright Plume, Village of Hickory Ridge, Section 1, Area 1, Lot EE-11.

Request: For the Planning Board to approve an amendment to a Site Development Plan (SDP) for a retroactive setback adjustment from 7.5 feet to 3 feet for an existing deck on the south side of a home and to increase the permitted lot coverage from 30% to 44%. Section 125.0.G.4. of the Zoning Regulations for the Newtown District requires Planning Board approval to adjust bulk regulations for individual lots to accommodate structures such as decks, storage sheds, or porches. The property is currently developed and is zoned New Town- Single Family Medium Density (NT-SFMD) in accordance with the Final Development Plan (FDP) 100-A-II.

DPZ Recommendation: The Department of Planning and Zoning (DPZ) recommends approval of this amendment to Site Development Plan, SDP-77-006, subject to complying with any conditions by the Planning Board.

Location: The subject property is located on the east side of Bright Plume, about 500 feet north of its intersection with Sunny Spring. The property is approximately 3,850 square feet and identified as Lot EE-11 in the Village of Hickory Ridge, Section 1, Area 1, on Tax Map No. 35, Grid No. 11, in the Fifth Election District of Howard County, Maryland.
Vicinal Properties:

North: A single family detached house and a detached carport, 6321 Bright Plume, Columbia, Lot EE-6, Parcel 336, on Tax Map 35, Grid 11. The proposed deck and storage shed additions will be visible from this property; however, neither the existing deck nor the proposed porch addition will be as they face east and south, respectively, from the property.

East: Open Space Lot EE-17, owned by the Columbia Association, borders the subject property to the east. Immediately adjacent to the site is an asphalt pedestrian path that goes through a wooded area. The proposed deck, storage shed, and porch addition will be visible from the path and the existing deck is visible from the Open Space Lot.

South: A single family detached home, 6349 Bright Plume, Columbia, Lot EE-12, Parcel 336, TM 35, Grid 11. The proposed deck and storage shed additions will not be visible from this property as they face north; however, the existing deck and proposed porch addition will be.

West: A single family detached home and a detached carport, 6341 Bright Plume, Columbia, Lot EE-10, Parcel 336, on Tax Map 35, Grid 11. The proposed deck and storage shed additions will not be visible from this property as they face north from the property, nor will the existing deck since it faces east. The proposed porch addition will, however, be visible.

General Comments:

A. Regulatory Compliance: This project is subject to Section 125.0.G.4 of the Howard County Zoning Regulations (effective October 6, 2013), the development criteria listed in Final Development Plan 100-A-II, the amended Fifth Edition of the Howard County Subdivision and Land Development Regulations (the October 7, 2007 Edition), the Howard County Design Manual, and The Village of Hickory Ridge Design Architectural Guidelines. Per FDP-100-A-II, no structure shall be located within 7.5 feet of a property line, except that structures may encroach into the setback if approved by the Howard County Planning Board.

B. DPZ Plan History:

FDP 100-A-II, the Final Development Plan and Criteria for the subject property, Plat 3054A-649, Howard County Land Records, was recorded on March 9, 1984. The subject property is part of Phase 100-A-II, New Town Zoning District, part of the Village of Hickory Ridge Section 1, Area 1.

F-72-097c, the Resubdivision Plat identifies the subject property as Lot EE-11 and illustrates property boundaries as recorded in Plat Book 23, Folio 81, on September 1, 1972.

SDP-77-006, the Site Development Plan was approved by the Planning Board on September 1, 1976, based on FDP criteria. Development of the subject property and the construction of the single family dwelling and parking areas are per the approved SDP.

C. Proposed Development Plan/Site Improvements: The petitioner proposes a 16’x8’ (128 SF) deck on the north side of the existing home, a 10’x8’ (80 SF) storage shed on the east side, and a 7.5’x14’ (105 SF) porch addition with a railing on the south side. The petitioner also seeks a retroactive setback adjustment for an existing deck on the east side of the home; built by a previous owner without Planning Board approval. The existing deck is 17’x10’ with a 5’x 5’ landing and steps (210 SF). The petitioner is requesting the Planning Board to allow the existing deck to encroach 4.5’ into the south setback and to allow an approximately 8% increase in lot coverage, bringing total lot coverage to 44%. The proposed design has been reviewed and approved by the Village of Hickory Ridge Architecture Review Committee on September 26, 2016. See attachments for the proposed layout of the site improvements.
D. Site Area and Coverage Information Chart:

Area Per Lot Requirements:

<table>
<thead>
<tr>
<th>Description</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>3,850</td>
</tr>
<tr>
<td>Existing Structures (Dwelling, Decks, Landing,</td>
<td>1,374 (37% of Gross Lot Area)</td>
</tr>
<tr>
<td>Stairs, and Porch)</td>
<td></td>
</tr>
<tr>
<td>Proposed Shed</td>
<td>80 (2.1% of Gross Lot Area)</td>
</tr>
<tr>
<td>Proposed Deck</td>
<td>128 (3.3% of Gross Lot Area)</td>
</tr>
<tr>
<td>Proposed Porch Addition</td>
<td>105 (2.7% of Gross Lot Area)</td>
</tr>
<tr>
<td>Existing Lot Coverage</td>
<td>36% (1,374 square feet)</td>
</tr>
<tr>
<td>Proposed Lot Coverage</td>
<td>44% (1,687 square feet)</td>
</tr>
</tbody>
</table>

E. Existing Site Conditions:

1. Access, Structures, and Parking Area: The subject property contains a single family residence, car port, and deck. Lot access is by a private shared driveway from Bright Plume.

2. Environmental Characteristics:
   (i) Forest Cover: There is no forest.
   (ii) Topography: The site is mostly flat and the house is surrounded by lawn, mature trees, shrubs, and landscaped areas.
   (iii) Wetlands, Streams and 100 Year Flood Plain: While there are no steep slopes, wetlands, or streams, the existing deck encroaches into a floodplain. When constructed, the deck did not encroach into the floodplain, however, the floodplain boundary has since changed.

F. Final Development Plan Analysis: The ASDP complies with FDP-100-A-II. If the Final Development Plan does not address a particular development requirement then the Subdivision and Land Development Regulations, the Zoning Regulations, and other applicable regulations apply.

1. Permitted Land Uses: The proposed storage shed, deck, and porch are allowed uses, provided they comply with FDP criteria and are approved by the Howard County Planning Board.

2. Stormwater Management: Stormwater management has been previously addressed and the proposed improvements do not trigger any changes.

3. Forest Conservation: The property is exempt from Forest Conservation because according to Section 16.1202(b)(1)(iv) of the Howard County Code, it is zoned NT and the Preliminary Development Plan was approved and more than 50% of development had occurred before December 31, 1992.

4. Environmental Concerns: While the floodplain boundary has expanded since the deck was built it did not encroach into the floodplain at that time. There are no environmental concerns.

5. Setback Requirements: Structures must meet setback requirements. Section 103.0 of the Howard County Zoning Regulations states that “ground level decks, limited to decks elevated 18 inches or less above average grade and having no railing, walls or roofing” are not considered structures. Therefore, the existing brick patio is not considered a structure for setback, height, and lot coverage purposes. However, setbacks do apply to the existing deck on the east side of the house, which encroaches into the setback by 4.5 feet. This encroachment requires Planning Board approval.

6. Height Requirement: The FDP establishes a 34 foot maximum building height, measured from the highest ground elevation. The deck, storage shed, and porch will not exceed 10 feet.
7. **Coverage Requirements:** The FDP establishes maximum lot coverage of 30% for buildings and other major structures devoted to single family residential use. Currently, lot coverage is 36% and the proposal increases it to 44%.

G. **Evaluation of Requested FDP Criteria Adjustment:**

The requested setback and lot coverage adjustments were reviewed according to the criteria in Section 125.0.G.4.d(1) and Section 125.0.G.4.d(2) of the Howard County Zoning Regulations.

1. **Setback Adjustment**
   
   (a) **Not Detrimental to the Public Interest:** The 4.5’ setback encroachment that is necessary to accommodate the existing deck does not alter the character of the neighborhood or that of the surrounding area. Based on a review of aerial photographs, the existing home was built in 1978 and the deck was constructed a few years later. The deck has existed for approximately 35 years without impairing the appropriate use or development of adjacent properties. Additionally, DPZ has not received any documented complaints regarding its location and, therefore, concludes that the location of the existing deck on the east side of the house is not detrimental to the public interest.

   (b) **Extraordinary Hardship and Practical Difficulties:** Extraordinary hardship and practical difficulties arise by strictly complying with setback requirements because the deck would have to either be removed or drastically reduced, should the adjustment not be granted.

2. **Lot Coverage Adjustment**
   
   (a) **Not Detrimental to the Public Interest:** The construction of a deck, an added storage shed, and a porch addition results in improving the character of usable outdoor space that would otherwise not be possible if lot coverage requirements were to be strictly enforced. Due to the small size of the lots in this neighborhood many properties already exceed permitted lot coverage. In addition, the Village of Hickory Ridge architectural review board has concluded that the deck and porch comply with village design guidelines and conform to the design of neighboring homes. Consequently, the proposed adjustment to lot coverage is compatible with surrounding homes, will not impede the use of neighboring properties, and will not result in negative environmental impacts.

   (b) **Extraordinary Hardship and Practical Difficulties:** Extraordinary hardship and practical difficulties arise by strictly complying with the lot coverage requirements because of the size and shape of the lot, the placement of the house on the lot, and the overall character of the surrounding neighborhood. The use and enjoyment of this home would be limited by not allowing added outdoor storage and more expansive use of outdoor space, especially given the size of the lot, which is characteristic of the surrounding neighborhood. Many nearby properties already exceed lot coverage requirements and the proposed deck, storage shed, and porch will not be inconsistent with nearby homes. Consequently, not allowing such an adjustment would constitute an extraordinary hardship and a practical difficulty for this property.
DPZ Recommendation: Based upon the above findings, the Department of Planning and Zoning recommends Approval of this Amended Site Development Plan, ASDP-77-006, subject to complying with any conditions by the Planning Board.

Valdis Lazdins, Director
Department of Planning and Zoning

12/22/16

Please note that this file is available for public review by appointment at the Department of Planning and Zoning Public Service Counter, Monday-Friday, 8:00 am to 5:00 pm.

Staff Report Prepared by: J.J. Hartner
VL/JH/KS
Plan depicting proposed conditions

Plan overlay onto Google Earth aerial image
Rendering of proposed storage shed and existing deck on southern side of existing house

Rendering of proposed deck on eastern side of existing house
Floodplain area as it has existed from November 2013 (when reevaluated by FEMA) through Present (shaded pink area)

Floodplain area as it existed from 1984 (earliest recorded floodplain study) through November 2013 (shaded yellow area)

Existing deck was built sometime between 1980 and 1982 based on aerial photography
SUMMARY OF AMENDMENTS

PHASE I: Added Sheet 3 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 3 and add to Sheet 4 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance. The parcels were deleted by the owner and removed to the non-residential area.

PHASE II: Added Sheet 4 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 4 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

PHASE III: Added Sheet 5 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 5 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

PHASE IV: Added Sheet 6 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 6 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

PHASE V: Added Sheet 7 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 7 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

PHASE VI: Added Sheet 8 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 8 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

PHASE VII: Added Sheet 9 of 9. Purpose - to change the shape of Lots 9 and 10 on Sheet 9 by removing portions of the 3 parcels by the owner and reducing the non-residential area while maintaining the same amount and appearance.

THE AMENDED FINAL DEVELOPMENT PLAN OF HICKORY RIDGE, MARYLAND, ON MARCH 16, 1979, AS PLAT 5044-A-977.

RECORDS: PLAT 5044-A-977
On 3-1-79 AMONG THE LAND OF HOARD COUNTY, MD.
VILLAGE OF HICKORY RIDGE
SECTION 1, AREA 1

PETITIONER AND OWNER
THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION
COLUMBIA, MD. 20044

COLUMBIA
AMENDED
FINAL DEVELOPMENT PLAN PHASE 100-A-2
5TH ELECTION DISTRICT HOWARD COUNTY, MD.
SCALE: 1"=400'

SHEETS: 1 TO 9
IN ACCORDANCE WITH THE ZONING REGULATIONS OF HOWARD COUNTY, MD.

PREPARED AS TO SHEETS: 1 TO 9
PROPERTY LINE SURVEYOR

BOARD OF COUNTY COMM. B.C.C. RESOLUTION APPROVED APRIL 10, 1977.
AMENDED B.C.C. CASE 443 RESOLUTION APPROVED NOV. 4, 1966.
AMENDED B.C.C. CASE 443 RESOLUTION APPROVED JAN. 1, 1976.
AMENDED B.C.C. CASE 443 RESOLUTION APPROVED DEC. 20, 1975.
FINAL DEVELOPMENT PLAN CRITERIA
THE AREA INCLUDED WITHIN THIS FINAL DEVELOPMENT PLAN PHASE IS APPLICABLE TO SECTION 1, AREA 1 OF THE VILLAGE OF HICKORY RIDGE.

1. PUBLIC STREET AND ROADS - Section 19C-0-1(a)(5):
   To be shown on subdivision plat, if required by the Howard County Office of Planning and Zoning.

2. PUBLIC SIGHTS-OF-WAY - Section 19C-0-1(a)(3):
   To be shown on subdivision plat, if required by the Howard County Office of Planning and Zoning.

3. MAJOR UTILITY RIGHTS-OF-WAY - Section 19C-0-1(a)(5):
   To be shown on subdivision plat, if required by the Howard County Office of Planning and Zoning.

4. DRAINAGE FACILITIES - Section 19C-0-1(a)(5):
   To be shown on subdivision plat, if required by the Howard County Office of Planning and Zoning.

5. RECREATIONAL, SCHOOL, PARK AND OTHER COMMUNITY USES - Section 19C-0-1(a)(3):
   To be shown on the Final Development Plan Phase as required by the Howard County Planning Board.

6. PERMITTED GENERAL LOCATION OF BUILDING AND STRUCTURES - Section 19C-0-1(a):
   The term "structure," as used in this Final Development Plan phase, shall include but not be limited to: garages, driveways, porches, decks, porches, dormers, bay windows, oriel, roof over balconies or roof over building overhangs, chimneys, all parts of any buildings, dwellings or accessory buildings.

   All setbacks shall be clear of any protrusions, extensions, or construction of any type, except porches and garages which may project not more than three (3') feet from the setback area. Included shall be, but not limited to, fascia over parapets, balconies, terraces, which are not more than two (2') feet in height, any structure which may project not more than four (4') feet into the setback area; and porches, decks, or open or enclosed porches which may project not more than one (1') feet into the front or rear setback area, and any point within the front or rear setback area, and any point within the main twenty (20') feet from the street, road or highway, except for the purpose of access to buildings. These structures may be constructed at any location within such setback areas if such construction is in accordance with a site development plan approved by the Howard County Planning Board.

   The term "structure" does not include the following upon which no restriction as to location is imposed: trees, shrubbery, or ornamental landscaping.

7. T-C FINAL DEVELOPMENT PLAN PHASE - NEIGHBORHOOD CENTER - COMMERCIAL
   All uses permitted in commercial districts or commercial land use zones are permitted including, but not limited to, all of the following:
   a. Parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts and similar recreation facilities.
   b. Museums, art galleries and libraries
   c. Buildings used primarily for religious activities
   d. Non-profit social service agencies, community halls
   e. Farm produce stands
   f. Day Care Center

   7A-1 T-C FINAL DEVELOPMENT PHASE - OPEN SPACE LAND USE AREAS
   Land lots 1, 2, 3, 5, 6, 7, 9, and 13 are to be used for all open space land uses including, but not limited to, recreation, sports and other Public uses. These lots may be used for drainage and utility easements if necessary, provided such drainage is shown on the subdivision plat as required by the Howard County Office of Planning and Zoning.

   7B-1 NEIGHBORHOOD CENTER - OPEN SPACE LAND USE AREAS
   Land lots 11 is to be used for all open space land uses, including, but not limited to, all of the following:
   a. Operation and maintenance of a public or private park, playground, swimming pool and similar community uses.
   b. Operation of a public or private child care center.
   c. Operation of a Neighborhood Community Center which may be used for all community activities including, but not limited to:
      1. The presentation and performance of outdoor community activities, both public and private, such as theatrical and theatrical performances, outdoor picnics, art shows, and carnivals.
      2. Sale of goods, sales, and similar activities.
      3. Operation of a community hall including leasing of same for public or private use.

   7C-1 SCHOOL SITES OPEN SPACE LAND USE AREAS
   Lot 10 shall be used for public school use. In the computing the area of land devoted to the Open Space Land use under the requirements of Section 19C-0-9 of the Howard County Zoning Regulations, only 90% of the area of the lot shall be credited to Open Space Land use in computing the minimum area as required by Section 19C-0-9.

8. HEIGHT LIMITATIONS - Section 19C-0-1(a):
   a. SINGLE FAMILY LOW OR MEDIUM DENSITY PARCELS
      No structure shall be located upon lots devoted to single family low or medium density residential uses located within the Enforcement Area as determined by the Office of Planning and Zoning.

   b. SINGLE FAMILY LOW OR MEDIUM DENSITY PARCELS
      No structure shall be constructed on land within the 30' of the front, rear and side property lines which are less than thirty (30') feet wide.

   c. NEIGHBORHOOD CENTER - COMMERCIAL
      No structure shall be constructed more than 10 feet in height from the highest ground adjacent elevation adjacent to the building upon lots devoted to single family land use areas.

9. PARKING REQUIREMENTS - Section 19C-0-1(a):
   a. NEEDLY MIDDLE MEDIUM DENSITY RESIDENTIAL USE AREAS
      No less than two (2) off-street parking spaces containing a minimum area of one hundred and twenty (120) square feet per each parking space shall be provided for each single family or single family residential structure within such single family land use areas.

   b. COMMERCIAL LAND USE AREAS - NEIGHBORHOOD CENTER AND VILLAGE CENTER
      In all commercial land use areas, the following parking requirements shall apply:
      a. Five (5) parking spaces shall be provided for each 1,000 square feet of net leasable retail commercial area.
      b. Three (3) parking spaces shall be provided for each 1,000 square feet of office space in this Final Development Plan Phase.

10. PERMITTED USES - Section 19C-0-1(a):
   a. Beaches shall conform to the requirements of Section 6 above.
   b. No other setbacks are required on land within this Final Development Plan Phase.

11. MINIMUM LOT SIZES - Section 19C-0-1(a): As shown on subdivision plat in accordance with minimum lot sizes as may be required by the Howard County Planning Board.

12. COVERAGE REQUIREMENTS - Section 19C-0-1(a):
   a. SINGLE FAMILY LOW OR MEDIUM DENSITY PARCELS
      No single family low or medium density residential land use area shall be developed in accordance with the requirements of Section 19C-0-6 of the Howard County Zoning Regulations.

   b. OPEN SPACE LAND USE AREAS
      No more than one (1%) of the area of land within this Final Development Plan Phase shall be devoted to Open Space Land Use shall be required by buildings or major structures except as required for sidewalks, paved parking areas, trees and shrubbery and similar minor structures.

13. COMMERCIAL LAND USE AREAS
   a. Coverage requirements are imposed upon land within this Final Development Plan Phase devoted to Commercial Land Uses, except in accordance with a site development plan approved by the Howard County Planning Board.

   b. OPEN SPACE LAND USE AREAS
      No more than ten percent (10%) of the area of land within this Final Development Plan Phase devoted to Open Space Land Use shall be required by buildings or major structures except as required for sidewalks, paved parking areas, trees and shrubbery and similar minor structures.

14. TABULATION OF LAND USE

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.F.M.O.</td>
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<tr>
<td>Employment Center</td>
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<tr>
<td>Commercial</td>
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<td>Open Space</td>
<td>3.122</td>
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<tr>
<td>Non-credit</td>
<td>3.072</td>
</tr>
<tr>
<td>TOTAL</td>
<td>126.967</td>
</tr>
</tbody>
</table>

   PURPOSE NOTE: The purpose of this amended plat, which supersedes plat recorded among the land records of Howard County, Maryland, as Plat 30549-A-197, is to enablezumable use for neighborhood center, and to conform to current zoning regulations.

   VILLAGE OF HICKORY RIDGE
   SECTION 1, AREA 1
   PETITIONER AND OWNER
   THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION
   COLUMBIA, MD 21044
STORM DRAINAGE GENERAL NOTES
1. All grate covers and grates shall be fabricated in accordance with the latest edition of specifications of Howard County.
2. Where permission for new drainage pipes is obtainable from underground utilities, the Contractor must provide the proper protection of the pipes by laying them in such a manner as to avoid interference with the utilities.
3. Where permission for new drainage pipes is not obtainable from underground utilities and is necessary to avoid interference with the utility, the Contractor must provide the proper protection of the pipes by laying them in such a manner as to avoid interference with the utilities.
4. The Contractor shall provide all necessary materials in accordance with the specifications.

Pavement Replacement for Entrance into Public Roads

TYPICAL PAVING SECTION
PRIVATE DRIVE & PARKING

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3. Where permission for new drainage pipes is not obtainable from underground utilities and is necessary to avoid interference with the utility, the Contractor must provide the proper protection of the pipes by laying them in such a manner as to avoid interference with the utilities.
4. The Contractor shall provide all necessary materials in accordance with the specifications.

TYPICAL PAVING SECTION
PRIVATE DRIVE & PARKING

To be constructed in accordance with the Howard County Standard Construction Specifications.