TECHNICAL STAFF REPORT

Falat Property Deck Extension

Planning Board Meeting August 16, 2018

File No. / Petitioner: Amended Site Development Plan ASDP-79-09C, Ladislow Falat

Subject: ASDP-79-09C Village of Harpers Choice Section 2, Lot 88, 11397 Barrow Downs Deck Expansion

Request: For the Planning Board to approve an amendment to a Site Development Plan (SDP) for the expansion of an existing deck that requires an increase to the permitted lot coverage (per FDP-130-A-I criterion 12) from 30% to 31.1% and a decrease of the required minimum structure distance (per FDP-130-A-I criterion 6a) from 15' to 14'. Section 125.0.G.4. of the Zoning Regulations require 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 zoned New Town- Single Family Low Density (NT-SFLD), in accordance with the Final Development Plan (FDP) 130-A-I.

DPZ Recommendation: The Department of Planning and Zoning (DPZ) recommends approval of this amendment to Site Development Plan, SDP-79-09C, subject to compliance with Planning Board conditions of approval.
Location:

The subject property is located on the south side of Barrow Downs, east of the intersection of High Hay Drive. The property is approximately 6,011 square feet (according to MD Tax Assessment Records SDAT). It is identified as Lot 88 in the Village of Harpers Choice, Section 2 Area 4, on Tax Map 29, Parcel 329, Grid 22, in the Fifth Election District of Howard County, Maryland.

Vicinal Properties:

Lot 88 is one of 8 lots in a cluster subdivision, Tooks Way Association Cluster #3, in the Village of Harpers Choice. Four of the lots have houses with near identical footprints and the lots range in size from 5,111 square feet to 6,011 square feet. The cluster also has a sizeable common yard, with only cluster residents having this ‘right and easement of enjoyment’. It is the common area concept that distinguishes these clusters from most single family homes in New Town Developments, Single Family Low-Density, and is the reason why these lots are so small. The subject property is surrounded by the following:

North: Barrow Downs, a public road with 50' ROW. The proposed deck extension will not be visible from the public road.

East: A single family dwelling with an attached garage, 11391 Barrow Downs, Columbia, Lot 87, Parcel 329 on Tax Map 29 Grid 22. The proposed deck expansion will not be visible from this property.

South: Common back yard shared by 8 houses, known as Toooks Way Association. Lot 86, Parcel 329 on Tax Map 29 Grid 22.

West: A single family dwelling with an attached garage, 11417 Barrow Downs, Columbia, Lot 89, Parcel 329 on Tax Map 29 Grid 22. The side of the house that faces the subject property is windowless towards the proposed deck expansion.

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 130-A-I, and the amended Fifth Edition of the Howard County Subdivision and Land Development Regulations (the October 7, 2007 Edition). Per FDP-130-A-I: criterion 6a, no structures shall be located within 15 feet of one another except as shown on a SDP approved by Planning and Zoning; and criterion 12 states maximum lot coverage may not exceed 30% except as shown on a SDP approved by the Planning Board.

B. DPZ Plan History:

FDP_130-A-I, the Final Development Plan and Criteria for the subject property, Plat 3936-3939, Howard County Land Records, was recorded on December 9, 1977. The subject property is part of Phase 130-A-I, New Town Zoning District, part of the Village of Harpers Choice Section 2 Area 4.

SDP-79-009, the Site Development Plan was approved by the Planning Board on August 2, 1978. The subject property is shown as Lot 88. Development of the subject property and the construction of the single-family dwelling deviates from the approved SDP in that the west property setback was increased from the proposed 6' setback to 9', as built.

Proposed Development Plan/Site Improvements: The Petitioner is requesting the Planning Board to approve an increase of the 30% maximum lot coverage to 31.1%. The petitioner is also requesting Planning and Zoning approval of a one-foot reduction of the structure to structure setback from 15’ to 14’. The petitioner proposes a 147 square foot deck expansion that would increase the total lot coverage by buildings and major structures to 31.1% of the lot, exceeding the 30% lot coverage maximum specified in criterion 12 of the FDP by 1.1%, or 66 square feet. The proposed extension also would be located approximately 14’
from the corner of the house on adjacent Lot 89, so a one foot reduction to the 15’ setback required by the FDP criterion 6a must also be approved.

C. Site Area and Coverage Information Chart:

Area Per Lot Requirements:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>6011 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Structures (Dwelling, Deck, Overhang, Bay Window, and Porch Roof)</td>
<td>1725 square feet (28.7% of Gross Lot Area)</td>
</tr>
<tr>
<td>Proposed Deck Expansion</td>
<td>147 square feet (2.4% of Gross Lot Area)</td>
</tr>
<tr>
<td>Existing Lot Coverage</td>
<td>28.7% (1725 square feet)</td>
</tr>
<tr>
<td>Proposed Lot Coverage</td>
<td>31.1% (1872 square feet)</td>
</tr>
</tbody>
</table>

D. Existing Site Conditions:

1. **Access, Structures, and Parking Area:** The subject property contains a single-family residence, garage, and deck. Lot access is from Barrow Downs.

2. **Environmental Characteristics:**
   - (i) **Forest Cover:** There is no forest.
   - (ii) **Topography:** The site slopes down from east to west, with steep slopes of 20% or greater in the back yard.
   - (iii) **Wetlands, Streams and 100 Year Flood Plain:** There are no wetlands, streams or flood plains.

E. Final Development Plan Analysis: The ASDP complies with FDP-130-A-I. 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 deck enlargement is an allowed use, provided it complies with FDP criteria and is 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:** There are no environmental concerns.

5. **Setback Requirements:** Structures must comply with setback requirements. Criterion 6a of the FDP requires structures to be 15’ from one another. The proposed deck extension will be within 14’ of the single-family dwelling on Lot 89. This encroachment requires Planning & Zoning approval.

6. **Height Requirement:** The FDP establishes a 34 foot maximum building height, measured from the highest ground elevation. The deck will not exceed maximum building height.

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 28.7% and the proposal increases it to 31.1%. This increase requires Planning Board approval.
F. 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 1’ structure setback encroachment to accommodate the existing deck does not alter the character of the neighborhood or the surrounding area. The existing home was built in 1982 and based on a review of aerial photographs the deck was constructed at the same time, or within the following year. The deck has existed for approximately 35 years without impairing the appropriate use or development of adjacent properties. DPZ has not received any documented complaints regarding its location and, therefore, concludes that the location of the existing deck on the south side of the house is not detrimental to the public interest. Also, visually affected neighbors were made aware of the proposed expansion, and the Village of Harpers Choice Architectural Committee gave its approval for the proposed expansion on March 27, 2018. The existing dwelling on Lot 89 has no windows on the side facing the proposed deck expansion, further limiting any disturbance to the adjoining property.

(b) Extraordinary Hardship and Practical Difficulties: Extraordinary hardship and practical difficulties arise by strictly complying with setback requirements on undersized lots. The proposed deck expansion will come within 14’ of the corner of the house on the adjacent property (Lot 89), on a side of the house without windows. The applicant’s deck will maintain a minimum 9’ setback from the property line, however the dwelling on Lot 89 is set back 4.5’ from the property line. The lot’s steep slope makes the back yard difficult to mow and unusable as an outdoor space without a deck. The applicant’s dwelling is already set back farther than initially planned on the SDP. It creates a practical difficulty to the applicant to use his backyard when his lot is required to have a greater property line setback than the adjacent property for the sake of enforcing a difference of one foot to the structure setback.

2. Lot Coverage Adjustment

(a) Not Detrimental to the Public Interest: The expansion of the deck will improve the character of usable outdoor space that would not be possible if lot coverage requirements are strictly enforced. Many properties already exceed permitted lot coverage in this neighborhood due to the small size of the lots. In addition, the Village of Harpers Choice Architectural Committee has concluded that the deck expansion will 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 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 expansion 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-79-09C, subject to complying with any conditions by the Planning Board.

Valdis Lazdins, Director
Department of Planning and Zoning

8/2/18

Please note that this file is available for public review by appointment at the Department of Planning and Zoning’s public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and Friday, 8:00 a.m. to 3:00 p.m.

Staff Report Prepared by: Donna Despres
VL/DD/JMF/KS
Rendering of proposed deck extension on existing deck and house.

Google Earth aerial image of Tooks Way Association
<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>LOT NO.</th>
<th>LOT COVERAGE</th>
<th>LOT SIZE</th>
<th>% COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>11303 Tooks Way</td>
<td>74</td>
<td>1720 SF</td>
<td>5531 SF</td>
<td>31.1</td>
</tr>
<tr>
<td>11308 Tooks Way</td>
<td>84</td>
<td>1715 SF</td>
<td>5355 SF</td>
<td>32.0</td>
</tr>
<tr>
<td>11312 Tooks Way</td>
<td>83</td>
<td>1710 SF</td>
<td>5114 SF</td>
<td>33.4</td>
</tr>
<tr>
<td>11412 Barrow Downs</td>
<td>90</td>
<td>2470 SF</td>
<td>7375</td>
<td>33.5</td>
</tr>
</tbody>
</table>

Comparison of Lot Coverage. Subject Property is Lot 88
Plan Exhibit #1
Survey of Lot 88 existing

Zoned: "Single Family Low Density"
D2P File: FDP-150-A:1
SDP-79-09C

No wetland, No floodplain
No threatened areas
No Environmental feature
or Buffer

Subject property is shown in Zone C
on the National Flood Insurance Program
Flood Insurance Rate Map of Howard
County, Maryland, Panel # 47 of 45
Community Panel # 240044-00 978
Effective date: December 4, 1986

This is to certify that I have surveyed the property shown hereon,
being known as LOT 88
11397 BARROW DOWNS
recorded in the Land Records of Howard County, Maryland
in Plot Bk. 3939 Libro 158
for the purpose of locating the improvements thereon.

- This plot is of benefit to the consumer only insofar as it is required
  by a lender or a title insurance company or its agent in connection
  with contemplated transfer, financing, or refinancing purposes.
- This plot is not to be relied upon for the establishment of location
  of fences, garages, buildings, or other existing or future structures.
- This plot does not provide for an accurate identification of prop-
  erty boundary lines, but such identification may not be required for
  the transfer of title or for securing financing or refinancing.
Plan Exhibit #2 (showing proposed deck expansion)
(Zoomed image of Exhibit #1)
Scale of exhibit #2 below

Total Structures area 1725 sq. ft.
Land area per tax records 6011 sq. ft.
% structure: \( \frac{1725}{6011} = 28.7\% \)

Proposed deck expansion = 147 sq. ft.
Yielding: \( \frac{1872}{6011} = 31.1\% \)

LOT 88
6000 SQ. FT.
6011 per tax records
7. PERMITTED USES - Section 159-C-1.(a)

7A. SINGLE FAMILY LOW DENSITY LAND USE AREAS

All lots within single family low density land use areas shall be used only for single family detached low density residential uses. The accessory use provisions of Section 159-A-5 of the Howard County Zoning Regulations shall be applicable.

The Planning Board may designate on the subdivision a lot, lots, or parcels as "Lessor open areas" which will not be credited to "Open Space" but, will be credited to the Single Family Low Density of the Plan on which it is located. These lots (5) 20, 21, 22, 31, 32, 63, 64, 65 and 66 as shown on the subdivision plan are to be used for recreational purposes only and for drainage and stormwater management. If necessary, permit such lots are shown on the subdivision plan only if required by the Howard County Office of Planning and Zoning.

7B. OPEN SPACE LAND USE AREAS

lots 1, 8, and 10 are to be used for all open space land use areas, including, but not limited to, public parking areas, public open space and common areas, roads and streets, and bicycle paths. These lots may be used as drainage and utility access if necessary, provided that such access is shown on the subdivision plan only if required by the Howard County Office of Planning and Zoning.

8. HEIGHT LIMITATIONS - Section 159-C-1(e)

8A. SINGLE FAMILY LOW DENSITY LAND USE AREAS

No structure shall be constructed more than 30 feet in height from the highest ground elevation adjacent to the building upon land devoted to a single family land use.

8B. OPEN SPACE LAND USE AREAS

No height limitation is imposed upon structures constructed within Open Space Land Use Areas provided improvements therein are constructed in accordance with a site development plan approved by the Howard County Planning Board.

9. PARKING REQUIREMENTS - Section 159-C-1(r)

9A. SINGLE FAMILY LOW DENSITY LAND USE AREAS

No less than two (2) off-street parking spaces containing a minimum area of one hundred (100) square feet per each parking space shall be provided for each lot with a single family structure. Parking may be provided on adjacent lots if shown on a site development plan approved by the Howard County Planning Board.

9B. OPEN SPACE LAND USE AREAS

No parking requirements are imposed upon the land within the Single Family Development Plan Phase D in open space areas. In the event structures are proposed for construction on any portion of such land parking requirements therefore may be imposed by the Howard County Planning Board at the time a site development plan is submitted for approval. Any open space land use area as may be required for parking purposes by the Howard County Planning Board shall be deducted from the credited open space land use calculations and designated as non-credited in accordance with Section 159-A-5 of the Howard County Zoning Regulations.

10. SETBACK PROVISIONS - Section 159-C-1(a)

10A. In general:

a. Setbacks shall conform to the requirements of Section 6 above.

b. No other setback restrictions are imposed upon land within the Single Family Development Plan Phase D.

11. MINIMUM LOT SIZES - Section 159-C-1(a)

11A. As shown on subdivision plan in accordance with minimum lot sizes as required by the Howard County Planning Board.

11B. COVERAGE REQUIREMENTS - Section 159-C-1(a)

11A. SINGLE FAMILY LOW DENSITY DETACHED RESIDENTIAL LAND USE AREAS

In no event shall more than 30 percent (30%) of any lot devoted to single family detached low density residential use be occupied by buildings or other major structures. Each building or other major structure is constructed in accordance with a site development plan approved by the Howard County Planning Board. The limitation is imposed upon the area used for sidewalks, paved parking areas, garages, attached accessory structures, streets and recreational facilities.

RECORD: FRAZIER, G. W. 5-21-72 AS TO THE LAND RECORDS OF HOWARD COUNTY, MD. SHEET 2 OF 3

VILLAGE OF HARPERS CHOICE

SECTION 2 AREA 4

PETITIONER AND OWNER

THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION

COLUMBIA, MARYLAND 21044

COLUMBIA AMENDED FINAL DEVELOPMENT PLAN PHASE 130-A 1

5TH ELECTION DISTRICT HOWARD COUNTY, MD.

DRAWN BY: GODD, RY.