



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

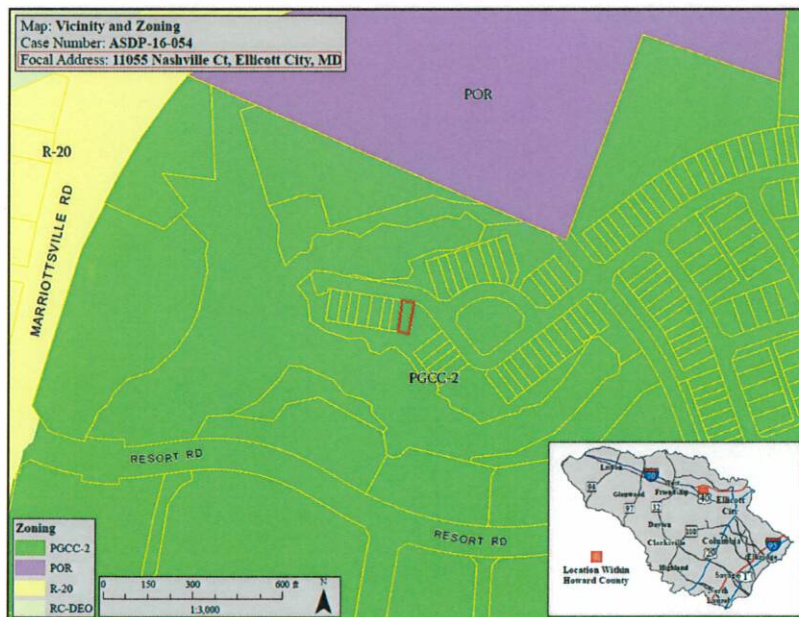
FAX 410-313-3467

TECHNICAL STAFF REPORT

11055 Nashville Ct, Deck Modification

Planning Board Hearing of April 23, 2020

- File No. / Petitioner:** PB 450, Jian Sun and Robert Hartranft
- Subject:** ASDP-16-054, Townhouse Deck, 11055 Nashville Ct, Turf Valley, West End Village, Lot 277.
- Request:** The request is for the approval of an amendment to a Site Development Plan (SDP) for a setback allowance of 10 feet to 15 feet into an existing setback. The request is necessary for the addition of a deck to a private dwelling in accordance with Section 125.0.H.3.b of the Zoning Regulations. The property is currently developed and is zoned Planned Golf Course Community (PGCC) in accordance with the Final Development Plan (FDP) Turf Valley PGCC Multi-Use Subdistrict.
- Location:** The subject property is located on the southern side of Nashville Court about 600 feet west from the intersection of Largo Road. The property contains approximately 4,198 square feet of land and is identified as Lot 277 in the West End Village of Turf Valley, located on Tax Map No. 16, Grid No. 17 in the Third Election District of Howard County, Maryland.



DPZ Recommendation: The Department of Planning and Zoning recommends **approval** of this amendment of Site Development Plan, SDP-16-054, subject to compliance with remaining DPZ comments any conditions imposed by the Planning Board.

Vicinal Properties:

To the North: Open space borders the site to the north. The adjoining property is Parcel X, on Tax Map 16, Grid 10. The property currently contains forested wetlands.

To the East: The remaining townhomes in the West End Village subdivision border the subject property to the East. Immediately adjacent to the site is Lot 298 containing lawn and storm water management bioretention device maintained by the homeowner's association. The proposed deck will be visible from the roadway across open space lot 298.

To the South: Immediate to the south of the site is another stormwater management device and some wooded area that area also part of open space lot 298. Opposite the woods is an apartment building that is part of the Oakmont Village Apartments. The proposed deck addition should be screened as there is substantial forested area in-between the townhome and the apartment building.

To the West: Additional townhomes in the West End Village subdivision are located immediately to the west of the site. The proposed deck will be visible from the rear yards of these homes.



General Comments:

- A. Regulatory Compliance:** This project is subject to compliance with Section 125.0.H.3 of the Zoning Regulations (effective October 6, 2013), the development criteria listed in Final Development Plan Turf Valley PGCC, 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 West End Village Architectural Guidelines. The development criteria regarding the setbacks per FDP-PGCC AND Section 128.0.A.1.e states that "Open and enclosed porches and decks, and the stairways or ramps attached thereto may encroach up to a maximum of 10 feet into a front or rear setback". Section 126.0.H.3 specifies that the "Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for a particular lot or parcel which differ from those required by the applicable Final Development Plan, at a public hearing for an alteration to a developed residential property".

B. DPZ Plan History:

- **FDP-PGCC Multi-Use- Third Amendment, Final Development Plan**, Amended FDP criteria for the PGCC District, Multi-Use Sub-district for Turf Valley. Recorded March 26, 2010.
- **S-03-001, Sketch Plan₁**, - Submitted April 1, 2005, for the Villages at Turf Valley. The plan was approved June 30, 2005.
- **ECP-14-053, Environmental Concept Plan**,
- **SP-15-003, Preliminary Equivalent Sketch Plan₁**, Submitted November 12, 2014, for the Villages at Turf Valley containing Lots 261 thru 296, Open Space Lots 297 thru 299, and Bulk Parcel 'GG'. The plan was approved December 11, 2014.
- **F-15-079, Final Plan**, Submitted June 16, 2015, for the West End Village, containing Lots 261 thru 296, Open Space Lots 297 thru 299, and Bulk Parcel 'GG'. The plan was approved March 6, 2016.
- **SDP-16-054, Site Development Plan**, Submitted April 28, 2016, for the Villages at Turf Valley, Phase 5, containing Lots 261 thru 296. The plan was approved October 3, 2016.

C. **Proposed Development Plan/Site Improvements:** The ASDP proposes the construction of a new deck and staircase to run directly from the rear of the townhouse. The dimensions of proposed deck and stairs will be roughly 28 feet by 16 feet, with a combined area of approximately 448 square feet. The proposed design has been reviewed and approved by the West End Village Homeowners Association Architecture Control Committee on September 26, 2019. The ASDP is required due to the extent of the encroachment into the rear property building restriction setback. The proposed deck will encroach 15 feet into the existing setback. Section 128.0.A.1.e of the Zoning Regulations allows for a 10-foot encroachment for decks into rear setbacks. The petitioner is requesting relief from the Planning Board for an additional 5 feet of encroachment into the rear setback.

D. Existing Site Conditions:

- **Access, Structures, and Parking Area:** Currently, the subject area contains the existing single-family townhome with attached garage. Access is provided to the lot by a private driveway easement from Nashville Court.
- **Environmental Characteristics:**
 - (i) **Forest Cover:** There is no forest on site.
 - (ii) **Topography and Landscape:** The site gently slopes to the south with lawn areas surrounding the house, and newly planted trees in the area immediately south of the house.
 - (iii) **Wetlands, Streams and 100 Year Flood Plain:** There are no steep slopes, wetlands, streams or 100-year floodplain on the lot.

E. Final Development Plan Analysis:

This Amended Site Development Plan has been evaluated for compliance with FDP-100-A-II. Where the Final Development Plan is silent, compliance with the Subdivision and Land Development Regulations, the Zoning Regulations, and other applicable regulations are required. See attachments for the proposed layout of the site. Below is a summary of the major FDP criteria used in this evaluation:

1. **Permitted Land Uses:** In accordance with FDP-PGCC, the proposed project is the addition of the deck and staircase to the existing dwelling. There are no provisions prohibiting the proposed deck and porch provided that the additions are in accordance with the provisions of Section 128, established FDP criteria and approved by the Howard County Planning Board.

2. **Stormwater Management:** Stormwater Management (SWM) for this site was previously addressed and completed. The proposed deck will not have any impact on the approved Stormwater Management for this lot.
3. **Forest Conservation:** The property is exempt from the Howard County Forest Conservation Requirements per Section 16.1202(b)(1)(iv) of the Howard County Code as the project was part of a planned unit development which had preliminary development plan approval and 50% or more of the land was developed prior to December 31, 1992.
4. **Environmental Concerns:** This site has newly planted trees located along the southernmost edge of the property that should not be impacted by the proposed deck and stairs. No wetlands, wetland buffers, streams, steep slopes, Forest Conservation Easement Areas or 100-year floodplain exist on site. This site has been previously graded.
5. **Setback Requirements:** This project does not meet the applicable setbacks as required per Section 128.A.1.e. Section 128.A.1.e. specifies that open and enclosed porches and decks, and the stairways or ramps attached thereto a maximum encroachment of 10 feet into a front or rear setback. The proposed deck will encroach an additional 5 feet into the existing 20 foot setback. Section 126.0.H.3.b of the Howard County Zoning Regulations allows for an adjustments or alterations to a developed residential property, subject to a Planning Board public hearing on the Site Development Plan requiring the adjustment.
6. **Height Requirement:** In accordance with FDP-PGCC, no structure shall be constructed within the FDP area that exceeds 34 feet in height from the highest ground elevation. The proposed deck and porch for this Amended Site Development Plan will have a maximum height of 8'-0" which is in compliance with the height requirements per FDP-PGCC.
7. **Coverage Requirements:** Per FDP-PGCC, building coverage cannot exceed 60% for structures within single family attached projects with one dwelling unit per lot. The proposed deck will bring the total lot coverage for the West End Village at Turf Valley to 45.6%. The building coverage will be within the FDP regulations.

Evaluation of Requested FDP Criteria Adjustment:

The requested adjustment was reviewed according to the criteria set forth in Section 126.0.H.3.d(1) and Section 126.0.H.3.d(2) of the Howard County Zoning Regulations.

- 1) **Not Detrimental to the Public Interest:** The requested adjustment to the bulk requirements shall be granted if the Planning Board finds that 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 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 adjustment is needed due to practical difficulties associated with the location of the current structure and the property. The extension of the deck and addition of the stairs will create a usable outdoor space, which is a use commonly enjoyed by other surrounding properties, than would not be allowed through strict compliance with the development criteria.

The architectural design of the deck is in accordance with the guidelines set forth by the West End Village Homeowners Association Architecture Control Committee and will conform with existing architecture; therefore, it will be compatible with the surrounding community and will not to alter the neighborhood characteristics.

The improvements proposed will not extend further into the setback than shown on the proposed exhibits. The proposed additions will not exceed the height, or impede the neighbors use in any way.

- 2) **Extraordinary Hardship and Practical Difficulties:** The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that 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.

Practical difficulties are due to the established lot size and shape, house placement, and the overall design of the community. The rear property line is 21 feet from the back of the townhome. There is an existing 20-foot building restriction line. Given the 10-foot encroachment allowance, an 11-foot deck would be allowed. Due to the grades at the rear of the home the deck will require 12 stairs and a landing which would require an encroachment of 15 feet into the setback. The petitioner's property is in a constrained group of townhomes. Lots 277-284 reside between environmental features to the north and therefore, the townhomes have shorter lots than the other units proposed on site. The petitioner's property measures 104.35' long, which is roughly 15 feet shorter than the other townhome lots in the SDP. The reduced size of the lot creates a practical difficulty for the proposed deck that would not occur if proposed on the other lots in the Site Development Plan.

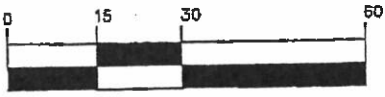
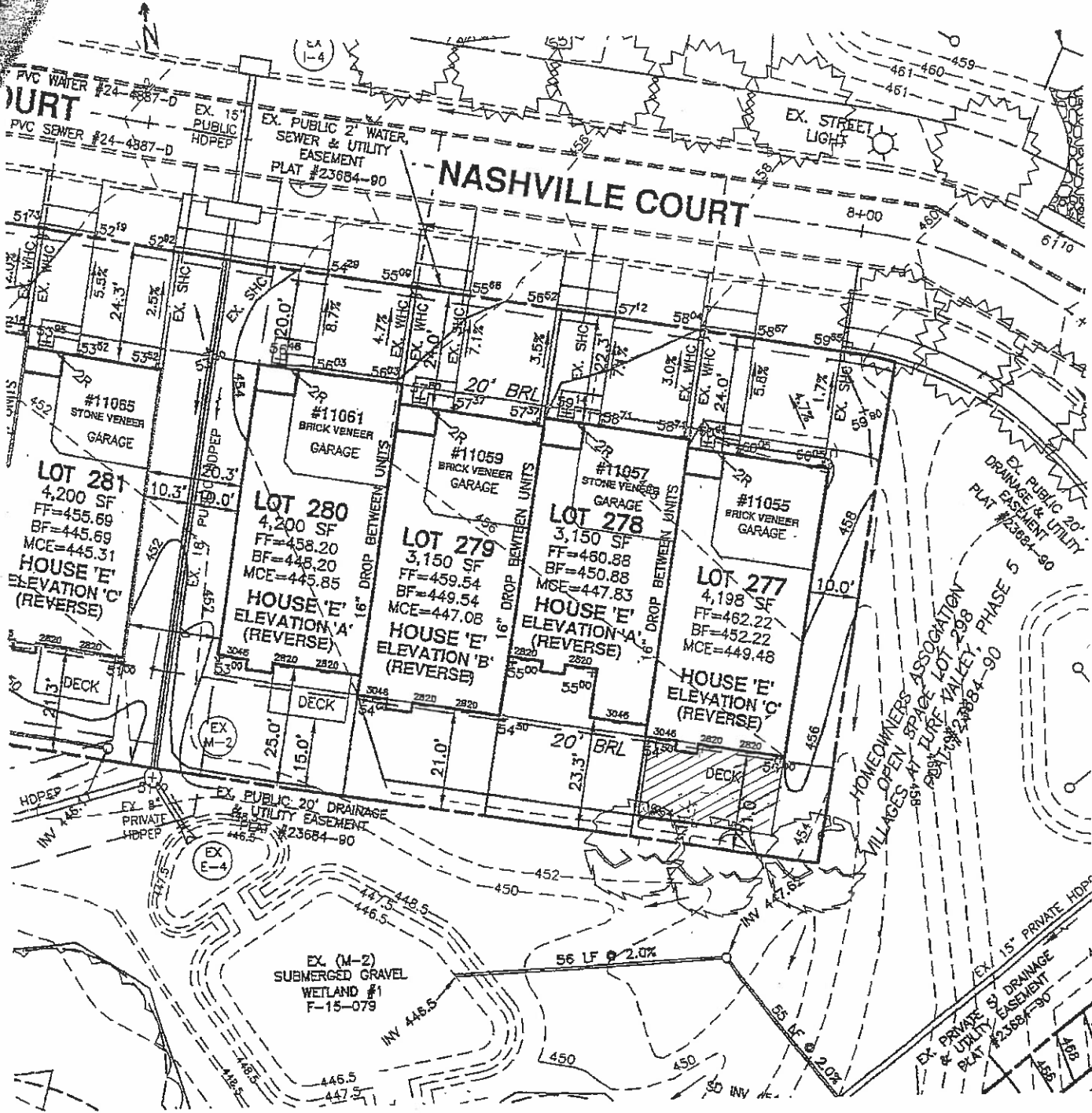
DPZ Recommendation: Based upon all of the above findings, the Department of Planning and Zoning recommends **approval** of this Amended Site Development Plan, ASDP-16-054, subject to compliance with the attached DPZ Comments and any conditions imposed by the Planning Board.



Amy Gowan, Director
Department of Planning and Zoning

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

Staff Report Prepared by: Nicholas Haines
AG/NH/JMF



1 inch = 30 ft.

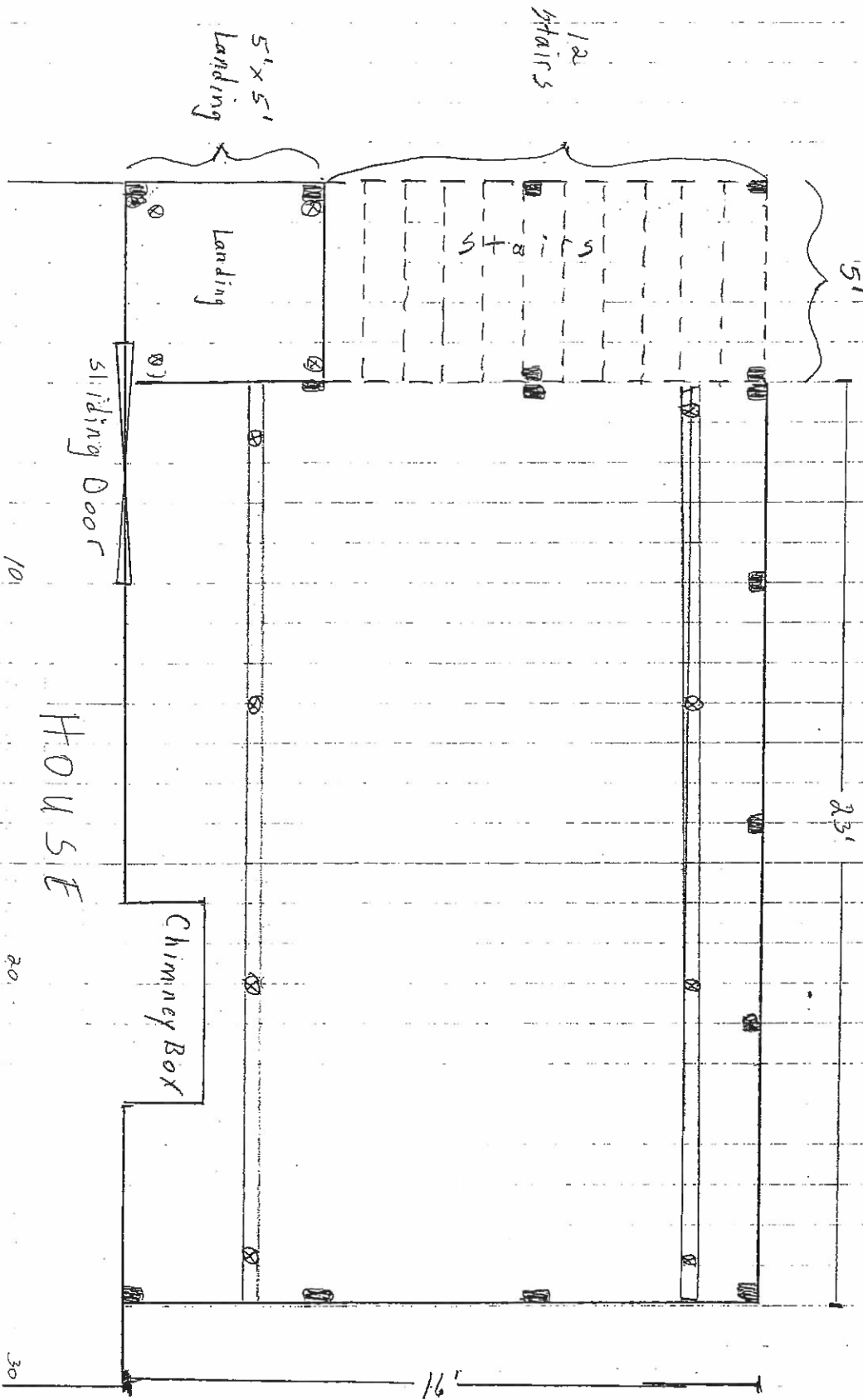
NOTE: WINDOW WELLS MAY BE REQUIRED. CHECK GRADE CONDITIONS.

**SEE RECORD PLAT #23688 FOR PROPERTY LINE DIMENSIONS, EASEMENTS AND RESTRICTIONS

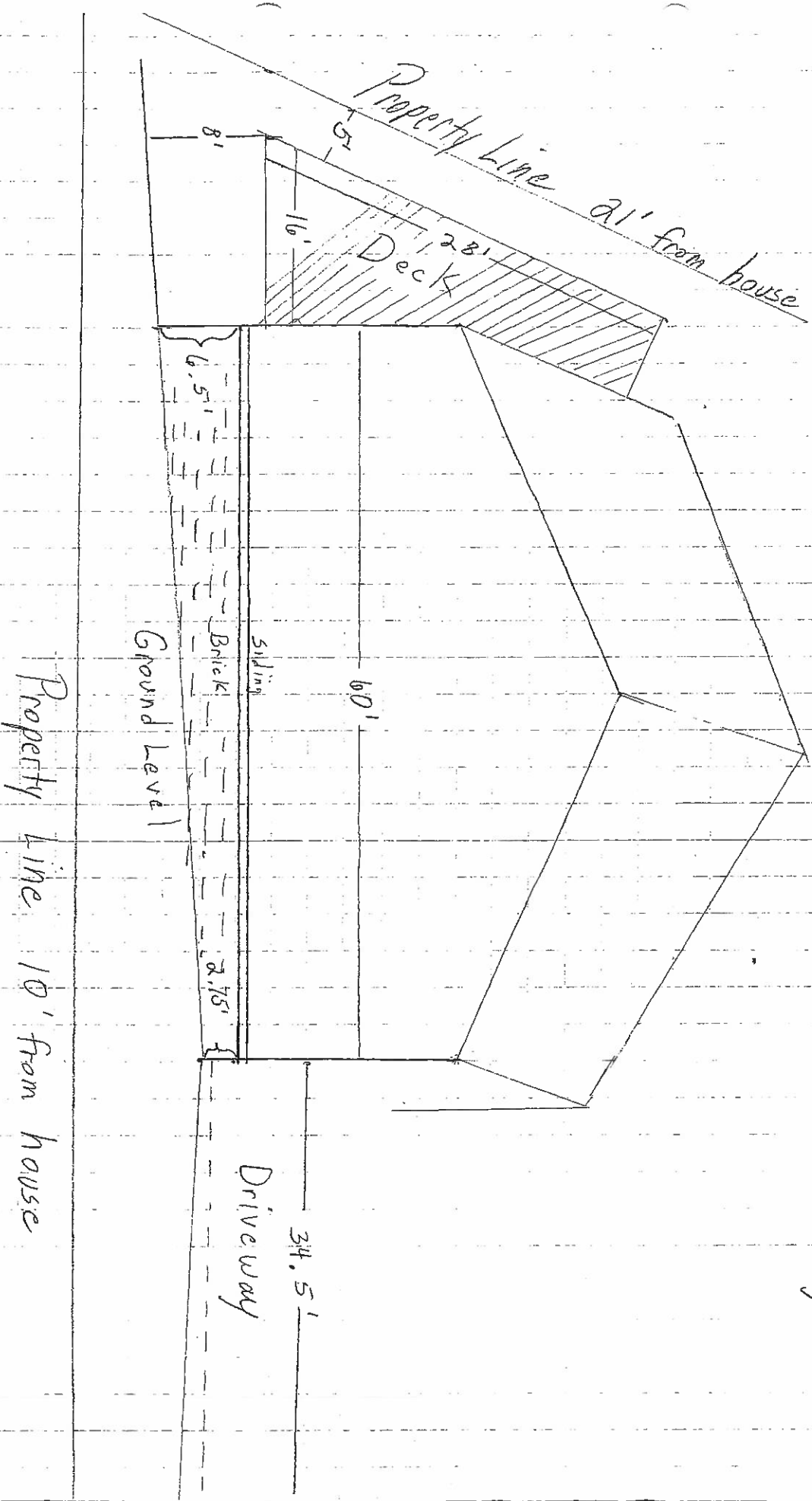
WEST END VILLAGE SDP-16-054 LOTS 277-280

BENCHMARK
ENGINEERS & LAND SURVEYORS & PLANNERS
ENGINEERING, INC.

BUILDING PERMIT PLAN
SCALE: 1" = 30' DATE: SEPT. 13, 2017



Jan Dun
 11055 Nashville Ct
 Elliott City MO 21044
 Application for minor residential
 structures and additions in the
 PGCC zoning district



Tian Sun
 11055 Nashville Cr
 E. Knoxville City, MD 21042
 Application for minor residential
 structures and additions in the
 PGCC zoning district