

IN THE MATTER OF : BEFORE THE  
**Sidra Seemab** : HOWARD COUNTY  
**And** : BOARD OF APPEALS  
**Tariq Samdani** : HEARING EXAMINER  
  
Petitioners : BA Case No. 24-007V



**DECISION AND ORDER**

On September 30, 2024, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the Petition of Sidra Seemab and Tariq Samdani (Petitioners) for a variance to reduce the minimum principal structure setback from a lot line, from 30 feet to 14 feet, a variance of 16 feet, for a 16x25 ft (400 sq ft) attached screened porch, in Council District 3, Election District 3, Tax Map 50, Grid 04, Parcel 439, Lot 18, also

identified as 9200 Homestretch Court, Laurel, Maryland, in the R-SC (Residential: Single Cluster) Zoning District, filed pursuant to § 130.0.B.2 of the Howard County Zoning Regulations (the HCZR) for a variance from §110.0.D.4.d(1)(c)(i).

The Petitioner certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure. Sidra Seemab (Petitioner and property owner), Rabiah Mohamed, Praful Patel (engineer) and Sagar Patel appeared in support of the Petition. No one appeared in opposition.

### **FINDINGS OF FACT**

Based upon the evidence of record, the Hearing Examiner finds as follows:

1. Property Identification and Description. The approximately 7,927-sq ft property is located on the west side of Washington Blvd North, east of I-95, in the southwest quadrant of the intersection of Whiskey Bottom Road

Sidra Seemab and Tariq Samdani

and Homestretch Court. The Property lies in Councilmanic District 3, in the 3<sup>rd</sup> Election District, is identified as Tax Map 50, Grid 04, Parcel 439, Lot 18, and is known as 9200 Homestretch Court, Laurel, Maryland (the Property). The Property is developed with a single-family detached dwelling and is in a development of similar dwellings and lot sizes. The Property is an irregular pentagon shape which has five (5) sides. The topography of the Property is roughly flat. The Property is a corner lot, surrounded on 3 sides by Whiskey Bottom Road, Homestretch Court and a paved access driveway. The rear property line adjoins a similar sized lot developed with a detached dwelling.

The Variance Plan purports to be prepared for Arenco, LLC but Arenco, LLC is not a corporation of good standing in the State of Maryland as its Charter was forfeited 10/2/23 and therefore cannot legally operate in Maryland. Additionally, Sugar Patel is not a licensed engineer in the State of Maryland and did not prepare the Variance Plan. The Variance Plan was prepared by, and contains the Professional Engineer certification of, Praful Patel, as required. The Property is owned by Sidra Seemab and Tariq Samdani.

2. Vicinal Properties. The surrounding properties are also in the R-SC Zoning District and are developed with single-family detached homes.

3. Agency Comments. There are no agency or department comments in opposition to the proposed variance request.

4. The Requested Variance. Petitioners are requesting a variance to reduce the minimum principal structure setback from a lot line, from 30 feet to 14 feet, a variance of 16 feet. This variance will allow the construction of for a 16x25 ft (400 sq ft) attached screened porch.

### **CONCLUSIONS OF LAW**

The standards of variances are contained in HCZR § 130.0.B.2.a. Pursuant to this Section, the Hearing Examiner may grant a variance only if the Petitioner demonstrates compliance with all four variance criteria. Based upon the foregoing Findings of Fact, and for the reasons stated below, the Hearing Examiner finds the requested variance complies with § 130.0.B.2.a.(1) through (4), and therefore may be granted.

**(1) That there are unique physical conditions, including irregularity, narrowness or shallowness of the lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical condition, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.**

Compliance with the first criterion is a two-part test. First, there must be a finding that the property is unusual or different from the nature of the surrounding properties. Secondly, this unique condition must disproportionately impact the property such that a practical difficulty arises in complying with the bulk regulations. See *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995). A “practical difficulty” is shown when the strict letter of the zoning regulation would “unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.” *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974).

As shown on the Variance Exhibit, the Property is an irregular shaped lot having five (5) sides. As a result of this shape, the dwelling, by necessity, is sited close to the rear yard building restriction line, preventing the construction of a 16x25 sq ft attached screen porch without obtaining a variance. This existing physical constraint causes the Property Owners practical difficulty in complying with the current bulk area requirements for

the minimum principal structure setback from a lot line, from 30 feet to 14 feet, a variance of 16 feet, in accordance with §110.0.D.4.d(1)(c)(i).

**(2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.**

The Property is an interior lot in a developed detached single-family dwelling subdivision. The existing dwelling will be improved with a new porch which is similar/complimentary to its neighbors. The viewshed of the proposed porch will be partially shielded from neighboring dwellings by the existing dwelling, and a 6 ft in height fence located on three sides of the Property. The requested variance will not alter the essential character of the neighborhood and will not impact the appropriate use and development of adjacent properties as they have already been developed. The proposal to construct a 16x25 sq ft attached porch will not be detrimental to the public welfare as it will not produce excessive noise, odors, dust, fumes, vibrations, or other adverse effects that would negatively impact vicinal properties.

The variance, if granted, will therefore not alter the essential character of the neighborhood in which the lot is located nor substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, in accordance with § 110.0.D.4.d(1)(c)(i).

**(3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.**

The practical difficulty and hardship in complying strictly with the bulk regulations requiring a 30-foot lot line structure and use setback for a principal structure arises from the 5-sided irregularly shaped lot and the resulting siting of the dwelling adjacent to the 30-ft rear yard building restriction lines. These existing physical constraints were not created by the Property Owners, in accordance with §110.0.D.4.d(1)(c)(i).

**(4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum necessary to afford relief.**

The variance sought, a reduction of 16 feet from the minimum lot line structure and use side yard setback for principal uses, to 14 feet, is the minimum decrease necessary to permit the reasonable construction and use

of a 16x25 sq ft attached screened porch. Within the intent and purpose of the regulations, this variance is the minimum necessary to afford relief, in accordance with §110.0.D.4.d(1)(c)(i).



**ORDER**

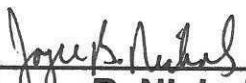
Based upon the foregoing, it is this 3rd day of October, 2024, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Sidra Seemab and Tariq Samdani for a variance to decrease the minimum structure and use lot line setback for a principal use, from 30 feet to 14 feet, a variance of 16 feet, in order to construct a 16x25 ft (400 sq ft) attached porch, in Council District 3, Election District 3, Tax Map 50, Grid 04, Parcel 439, Lot 18, also identified as 9200 Homestretch Court, Laurel, Maryland, in the R-SC (Residential: Single Cluster) Zoning District, be and is hereby **GRANTED, subject to the following Conditions:**

- (1) The Residential District Variance Petition for the instant application shall be amended to substitute the property owners Sidra Seemab and Tariq Samdani as the Petitioners.
- (2) The Variance Plan shall be amended to remove Arencos, LLC as it is not a limited liability corporation of good standing in the State of Maryland as its charter was forfeited 10/2/23.

- (3) Both the amended Petition and the amended Variance Plan shall be filed with the Department of Planning and Zoning.

**HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER**

  
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**Joyce B. Nichols**

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals 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 Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.