

IN THE MATTER OF	:	BEFORE THE
Antoinette Dove	:	HOWARD COUNTY
and	:	BOARD OF APPEALS
Brian Cadigan	:	HEARING EXAMINER
PETITIONERS	:	BA Case No. 25-003V

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DECISION AND ORDER

On August 27, 2025, 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 Antoinette Dove and Brian Cadigan (Petitioners) for a variance to reduce the minimum structure and use front yard setback for a structure, from 50 feet to 39.07 feet, a variance of 10.93 ft, for a 398 sq. ft. addition to an existing detached garage, and for a variance to reduce the minimum structure and use rear yard setback for a structure, from 30 feet to 3.92 feet, a variance of 26.08 feet, for a Pool House enclosing the existing pool, in Council District 5, Tax Map 16, Grid 21, Parcel 441, Lot 23 also identified as 11350 Cotswold Spring Farm Lane, Ellicott City, Maryland, in the R-C (Rural Conservation) DEO (Density Exchange Option) Zoning District, filed pursuant to

§130.0.B.2 of the Howard County Zoning Regulations (the HCZR) for variances from §§ 104.0.E.4.(b).2. and 104.0.E.4.b.(4)(b).

The Petitioners 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. Mr. Sang Oh, Esq. appeared on behalf of Petitioners. Mr. Samer Alomer, civil engineer, and Mr. Ron Johnston, architect, testified on behalf of Petitioners. No one appeared in opposition.

Petitioners submitted the following Exhibits:

Ex 1. Revised Variance Plan (7/28/25)

Ex 2. Aerial lot satellite

Ex. 3. Plat 15119

Ex. 4. Aerial topo map

Ex. 5. Blow up of Plat

Ex. 6. Photo of house front

Ex. 7. Aerial with topo lines

Ex. 8. Front of house with topo lines

Ex. 9. Proposed garage addition elevations (6 pages)

Ex. 10. Proposed Rear elevations of Pool House/enclosure (5 pages)

Ex. 11. Aerial of neighboring houses

Ex. 12. Photo of existing pool from the rear

Ex. 13. Photo of existing pool from the side

FINDINGS OF FACT

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

1. Property Identification and Description. The approximately 1.09-acre property is located near the terminus of Cotswold Spring Farm Lane, south of its intersection with Frederick Road, west of Folly Quarter Road, and east of MD Rt 32. The subject Property lies in Council District 5, is identified as Tax Map 16, Grid 21, Parcel 441, Lot 23, and is known as 11350 Cotswold Spring Farm Lane, Ellicott City, Maryland (the Property). The Property is developed with a two-story single-family detached dwelling with a detached garage and is in a development of similar dwellings and lot sizes. The Property is an irregular rectangle shape which is wide and shallow. The topography of the Property slopes downward from the middle of the Property to the front and rear property lines. The Property adjoins similar sized lots developed with detached dwellings and backs onto Forest Conservation

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

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

4. The Requested Variances. Petitioners are requesting a variance to reduce the minimum structure and use front yard setback for a structure, from 50 feet to 39.07 feet, a variance of 10.93 ft, for a 398 sq. ft addition to an existing detached garage, and for a variance to reduce the minimum structure and use rear yard setback for a structure, from 30 feet to 3.92 feet, a variance of 26.08 feet, for a Pool House enclosing the existing pool. The garage addition will be designed to be architecturally compatible with the existing dwelling.

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 rectangle shaped lot which is wide and narrow with the wider portion of the lot located along the front and rear property lines. The septic area encumbers the left side of the lot. Neighboring properties in the subdivision are also irregular rectangular shapes but they are all narrow with the wider lot lines along the side yards apposite to the subject Property. As a result of the Property’s shape, the dwelling, by necessity, is sited close to the rear yard building restriction lines. The location of the septic field in the left side yard also determined the useable location for the dwelling. The topographic contour map shows the highest elevation of 510 feet and dropping off towards the front and the rear of the house. In addition to the septic field encumbrance, this change in topography results in a water runoff flow towards where an attached garage would be located and the detached garage is designed to allow the runoff to move between the house and the detached garage. The detached garage is located adjacent to the 50-foot front yard setback and the proposed

addition, a single parking bay, will intrude into the front yard setback by necessity. The shape of the lot, the septic field location in the side yard, and the topography made the location of an attached garage difficult if not impossible. Additionally, the shape of the lot necessitating the location of the dwelling to the rear of the Property also necessitated the siting of the existing pool adjacent to the rear yard setback.

These existing physical constraints cause the Property Owners practical difficulty in complying with the current bulk area requirements for the minimum structure and use front yard setback for structures, of 50 feet, and with the minimum structure and use rear yard setback for a structure, of 30 feet, in accordance with §130.0.B.2.a.(1).

(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 requested garage addition is a reasonable size in relation to the residential structures in the area. The expansion of the principal dwelling to enclose the in-ground pool is lower in elevation and height than the front part of the principal dwelling and located away from adjoining residential structures. The requested variances 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 398 sq ft (single car bay) addition to the existing detached 2 car garage, and the proposal to construct a Pool House to enclose the existing in-ground pool, 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 variances, 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 § 130.0.B.2.a.(2).

(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.

Petitioners did not create the practical difficulties requiring the requested variances. Petitioners did not subdivide the property, nor did they construct the residential structure or the detached garage. The topography of the lot is a unique condition inherent to the lot. These circumstances were not created by the Property Owners, in accordance with §130.0.B.2.a.(3).

(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 10.93 feet from the minimum structure and use front yard setback for structures, is the minimum decrease necessary to permit the reasonable construction and use of an addition of a single car bay to an existing detached two (2) car garage. The additional variance sought, a reduction of 26.08 feet from the minimum structure and use rear yard setback for structures, is the minimum decrease necessary to permit the reasonable construction and use of a pool enclosure over the

existing inground pool. Within the intent and purpose of the regulations, this variance is the minimum necessary to afford relief, in accordance with §130.0.B.2.a.(4).

(5) That no variance be granted to the minimum criteria established in Section 131.0 for Conditional Uses except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131.0.

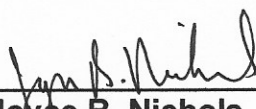
This criterion does not apply.

ORDER

Based upon the foregoing, it is this 28th day of August, 2025, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Antoinette Dove and Brian Cadigan for a variance to decrease the minimum front yard structure and use setback for a structure, from 50 feet to 39.07 feet, a variance of 10.93 feet, in order to construct a 398 sq ft single car bay addition to an existing detached two (2) car garage, and for a variance to decrease the minimum rear yard structure and use setback for a structure, from 30 feet to 3.92 feet, a variance of 26.08 feet, in order to construct a Pool House enclosing the existing in-ground pool, in Council District 5, Tax Map 16, Grid 21, Parcel 441, Lot 23, also identified as 11350 Cotswold Spring Farm Lane, Ellicott City, Maryland, in the R-C (Rural Conservation) DEO (Density Exchange Option) Zoning District, be and is hereby **GRANTED**.

HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER



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

Antoinette Dove and Brian Cadigan

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.