

IN THE MATTER OF	:	BEFORE THE
AMANDA HAAPALA	:	HOWARD COUNTY
	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 25-012V

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DECISION AND ORDER

On October 21, 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 Amanda Haapala (Petitioner) for a variance to exceed the 1,200 sq ft maximum cumulative lot coverage for accessory structures, by 816 sq ft, for the reconstruction of an existing accessory structure that was demolished by a falling tree, in Council District 5, Tax Map 6, Grid 6, Parcel 44, also identified as 802 Long Acre Road, Mt. Airey, Maryland, in the RC-DEO (Residential Conservation)(Density Exchange Option) Zoning District, filed pursuant to § 130.0.B.2 of the Howard County Zoning Regulations (the HCZR) for a variance from § 128.0.A.12.a.(1)(b)..

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. Michele Vallone, Esq. represented both the Petitioner Amanda Haapala and her husband Gary Chalk, both of whom appeared in support of the Petition. No one appeared in opposition.

Petitioner presented the following Exhibits:

Ex. 1(a)-(e). Photos of the YouTube show Petitioner hosts from the farm

Ex. 2(a)-(c). Photos of the tree damaged shed

Ex. 3. Approved Waiver from the Bureau of Environmental Health for the
 sewage disposal system

Ex. 4. Certificate of Analysis for the water quality of the well

FINDINGS OF FACT

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

1. Property Identification and Description. The approximately 1-acre property is located on the west side of Long Corner Road, west of its intersection with Hardy Road, south of both I-70 and Rt, 40 (Frederick Road). The Subject Property lies in Council District 5, is identified as Tax Map 6, Grid 6, Parcel 44, and is known as 802 Long Corner Road, Mt, Airey, Columbia, Maryland (the Property). The Property is comprised of only 1 acre of land, is an irregularly narrow kite-shaped lot which is small for the surrounding neighborhood, and is bordered by large, agricultural properties. The Subject Property is

improved by a 1,147 sq. ft. single-family detached residence, a detached garage, a small shed, and the damaged outbuilding.

2. Vicinal Properties. The surrounding properties are also in the RC-DEO (Residential Conservation) (Density Exchange Option) Zoning District, and are large agricultural properties developed with single-family detached homes.

3. Agency Comments. There are no agency or department comments in opposition to the proposed variance request. The Development Engineering Division takes NO EXCEPTION to the request for an 816 sq ft variance to construct a 1,280 sq ft accessory structure, more than the 1,2000 sq ft maximum. The request is to replace an existing 1,055 sq ft accessory structure, built in the 1960's, with a 1,280 sq ft accessory structure due to extensive damage to the existing structure caused by a fallen tree. The damage done to the existing structure is too extensive to repair and must be replaced to ensure the structure is safe.

The Health Department states that while it understands the plight of wanting to reconstruct an existing building that was damaged by trees, it will have to fully review the building permit once it comes into their office. The Health Department struggled to find any well and septic records for this property. The Health Department will need a plot plan showing the existing well and existing septic system in their entirety; this document should be accurate. The property owners will most likely need to submit a waiver to the Director, Department of Health asking to waive the requirement of a Perc Certification plan. It is possible the Health Department would grant the waiver, but a site visit to confirm the

provided well & septic locations and to ascertain their functionality will also be required prior to any building permit approval.

It appears that the Health Department was not in possession of all of the facts. Prior to the Health Departments review of the instant Petition, Petitioner had already ameliorated the articulated concerns by obtaining a waiver for the sewage disposal system from the Bureau of Environmental Health (9/16/24) and by obtaining a water quality Certificate of Analysis for the well (5/2/19).

The Department of Inspections, Licenses and Permits stated that a building permit is required for the new accessory structure.

Petitioner has applied for the required Building Permit, which is in its last stage of review, pending the approval of BA-25-012V.

RCD has no objection to the request at 802 Long Corner Road, BA-25-012V. The property is adjacent to two large farms that are running farming operations. The north parcel is an environmental preservation easement and the southwest parcel will become an agricultural preservation easement in the fall 2025. There are no negative impacts to the approval of this Petition request.

The Division of Land Development has reviewed the above referenced Variance Petition for the proposed 816 square foot increase to the maximum cumulative lot coverage permitted in the RC zoning district for the construction of a 1280 square foot accessory structure to replace an existing, damaged 1055 square foot accessory structure at 802 Long Corner Road, Mt. Airy, MD and has no objection to approval of this variance. The proposed accessory structure will minimally increase the existing accessory lot coverage by only 225 square feet. The development shown on the

proposed plan has the potential to comply with all technical requirements in the Subdivision and Land Development Regulations and will not require additional review from the Division of Land Development unless the Limit of Disturbance for the proposed construction exceeds 5,000 square feet in which case a Simplified Environmental Concept Plan will be required to address stormwater management.

4. Requested Variance. Pursuant to §128.O.A.12.a.(1).(b). of the Howard County Zoning Regulations, the Petitioner seeks a variance of 816 square feet from the 1,200 square feet maximum cumulative lot coverage permitted for accessory structures on a residential lot developed with a single-family detached dwelling because strict compliance with the lot coverage requirement would result in undue hardship on the Petitioner and such a variance would not alter the essential character of the neighborhood. The proposed variance is for the reconstruction of a 40x32 ft metal outbuilding.

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).

With one (1) acre of land area, the lot is relatively small for the surrounding neighborhood, which is rural in nature. The irregular, narrow kite configuration of the lot also contributes to the difficulty of reconfiguring the existing layout of the site. Petitioner and her family use the entirety of the existing outbuilding to store farm and garden supplies. The existing outbuilding, which records indicate was constructed in the 1960’s and long predates the Petitioner’s purchase of the property, is an existing feature peculiar to the Petitioner’s particular lot.

Without the reconstruction of the outbuilding, the Petitioner and her family would struggle to continue their use of the property for farming and gardening, as there would be insufficient room to store the necessary farming equipment. The single-family residence on the property is quite modest in size at 1,147 sq. ft, making it impossible for

the structure to serve as a home to Petitioner's family of four, as well as store large farm equipment. Likewise, the detached two-car garage is only large enough for Petitioner and her husband's two cars.

Petitioner purchased this property for the agricultural character and practical outbuilding structure which allows them to grow their own food and teach her children about sustainability. The hardship of being unable to erect an accessory building to replace an existing accessory building that was demolished by a falling tree is unnecessary because the new structure would not alter the character of the lot or the neighborhood, it would simply replace the damaged, longstanding structure with a safe, new version, an improvement to the Property and the neighborhood. These existing physical constraints cause the Property Owners practical difficulty in complying with the current bulk area requirements for the maximum cumulative lot coverage for accessory structures, of 1,200 sq ft, 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 proposed outbuilding will be harmonious with the surrounding neighborhood and will not alter the character of the neighborhood. The outbuilding will be in the same location and serve the same purpose as the existing structure. Petitioner and her family will continue to use the outbuilding to store farm equipment and supplies, and the building will not intensify the use of the property. Removing the old, damaged structure to replace it with a new, permitted structure will certainly be in the interest of public welfare by making the Subject Property, as well as the surrounding properties, safer.

The outbuilding was constructed in the 1960's and has not thus far altered the neighborhood. Additionally, the Petitioner's neighbor, who is located the closest to the outbuilding, supports the construction of a replacement structure for the outbuilding because the outbuilding will continue to be harmonious with the surrounding neighborhood, and will be more appealing to view than the dated, damaged structure in place now.

The proposed structure will not be detrimental to public welfare, and is, in fact, beneficial to public welfare because the new building will be significantly safer than the damaged, older structure, as well as more aesthetically pleasing. The requested variance will not alter the essential character of the neighborhood and will not adversely impact the appropriate use and development of adjacent properties as they have already been developed. The proposal to reconstruct an existing accessory structure which was demolished by a falling tree 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 § 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.

Petitioner did not create the practical difficulty and hardship. The existing outbuilding was constructed on the property in the 1960's, long before the Petitioner purchased the property in 2015. The damage sustained by the outbuilding from the fallen tree is also not the fault of the Petitioner. Likewise, the house on the Property was constructed in 1953. Accordingly, the Petitioner had no part in the current configuration of the property. 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 requested variance is the minimum variance necessary to afford the Petitioner relief. Petitioner purchased the property ten (10) years ago with the intention of fully utilizing the outbuilding for farming supplies and equipment and has relied on its use since. Reducing the size of the outbuilding would mean that Petitioner would have to significantly reduce their farming and gardening activities or leave the Property. The Petitioner and her family wish to remain in their home and continue, and even grow, the farming and gardening activities that they have conducted since purchasing the Property. Without the outbuilding to properly store their supplies and equipment, the Property may not be viable for their farming use, which is an intended use of the Rural Conservation zone in which the property is located. Petitioner and her family would face significant hardship if they had to sell their family home because of the loss of the outbuilding, but may have to consider it if they are unable to replace the outbuilding. The variance sought,

an increase of 816 sq ft from the 1,200 sq ft maximum cumulative lot coverage for accessory structures, to erect a 40x32 metal outbuilding, is the minimum increase necessary to permit the reasonable construction and use of a 1,280 sq ft accessory structure to replace the existing 1,055 sq ft accessory structure which was demolished by a falling tree. Within the intent and purpose of the regulations, this variance is the minimum necessary to afford relief accordance with §130.0.B.2.a.(4)..

(5) That no variance be granted to the minimum criteria established in Section 131 for special exception 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 except as provided therein.

This section is not applicable to the instant Petition.

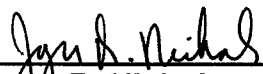
ORDER

Based upon the foregoing, it is this 21st day of October, 2025, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Amanda Haapala for a variance to exceed the 1,200 sq ft maximum cumulative lot coverage for accessory structures by 816 sq ft, from 1,050 sq ft to 1,225 sq ft, in order to reconstruct a 40x32 ft accessory farm structure to replace an existing 1,050 sq ft accessory farm structure which was demolished by a falling tree, in Council District 5, Tax Map 6, Grid 6, Parcel 44, also identified as 802 Long Corner Road, Mt. Airey, Maryland, in the RC-DEO (Residential Conservation)(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 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.