

IN THE MATTER OF	:	BEFORE THE
KEVIN FAVORITE	:	HOWARD COUNTY
	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 25-020V

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DECISION AND ORDER

On October 15, 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 Kevin Favorite (Petitioner) for a variance to reduce the minimum structure and use front yard setback for a structure, from 50 feet to 30 feet, a variance of 20 ft, for a 10x12 front porch, in Council District 4, Tax Map 35, Grid 12, Parcel 370, Lot 3, also identified as 6192 Llanfair Drive, Columbia, Maryland, in the R-20 (Residential: Single) Zoning District, filed pursuant to § 130.0.B.2 of the Howard County Zoning Regulations (the HCZR) for a variance from § 108.0.D.4.b.(1)(a).(ii)..

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. Kevin Favorite (Petitioner) 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 0.348-acre property is located on the west side of Llanfair Drive, south of Hickory Ridge Road, southwest of Broken Land Parkway, west of Rt 29, and north of Owen Brown Road. The subject Property lies in Council District 4, is identified as Tax Map 35, Grid 12, Parcel 370, Lot 3, and is known as 6192 Llanfair Drive, Columbia, Maryland (the Property). The Property is developed with a single-family detached dwelling, a garage and a garden shed, and is in a neighborhood of similar dwellings and lot sizes. The Property is an elongated narrow rectangle.

2. Vicinal Properties. The surrounding properties are also in the R-20 (Residential: Single) 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. The Division of Land Development has reviewed the above referenced Variance Petition for the proposed 20- foot front setback encroachment for the construction of a concrete raised porch, replacing a smaller wooden porch, at 6192 Llanfair Drive, Columbia, MD and has no objection to approval of this

variance. The existing house was constructed 40.8 feet from the front property boundary in 1981 prior to the 50-foot front setback requirement that currently exists for the R-20 zoning district. The proposed porch will only extend 10 feet from the front of the existing dwelling and will remain 30 feet from the front property boundary. The porch construction has the potential to comply with all technical requirements in the Subdivision and Land Development Regulations

4. Requested Variance. Petitioner is requesting a variance to reduce the minimum structure and use front yard setback for a structure, from 50 feet to 30 feet, a variance of 20 feet, for a 10x12 foot raised concrete porch to replace a smaller existing wooden 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 a narrow elongated rectangle in shape. When the dwelling was constructed in 1981 the front yard setback was 40 feet and the dwelling was constructed adjacent to the existing 40-foot Building Restriction Line. A subsequent change in Regulations increased the front yard setback in the R-20 zoning district to 50 feet. As a result of this increase in the front yard BRL the existing dwelling now encroaches 10 feet into the front yard setback. The dwelling already exists within the 50-foot setback and the variance for the proposed replacement porch, although an increase in width from the existing wooden porch, will regularize the existing encroachment into the 50-foot front yard setback. Additionally, the lot slopes from the front of the house towards Llanfair Drive. This reduction in grade is approximately 35%. The adjacent lot is the only other lot in the neighborhood which has this grade reduction

resulting in a steep sloping driveway. 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, 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 Property is an interior lot in an area of developed detached single-family dwellings. The proposed widened porch will not alter the character of the existing neighborhood. Most of the homes in the neighborhood have front porches. 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 construct a 10x12 foot porch, replacing and widening an existing wooden 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 § 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.

The practical difficulty and hardship in complying strictly with the bulk regulations requiring a 50-foot side and front yard structure and use setback arises from the narrow, elongated lot, the siting of the dwelling on the 40-foot BRL as permitted, and the subsequent legislative change increasing the 40-foot setback to 50 feet. The dwelling as constructed was in accordance with the existing 40-foot setback and the subsequent legislative increase in the BRL to 50 feet was not a hardship which was created by Petitioner. 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 20 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 a 10x12 foot raised cement porch, and will also regularize the existing dwelling which, due to a legislative change, is located 10 feet within the 50 foot front yard BRL. 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).

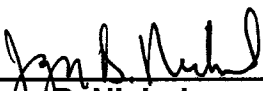
ORDER

Based upon the foregoing, it is this 15th day of October, 2025, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Kevin Favorite for a variance to decrease the minimum front yard structure and use setback, from 50 feet to 30 feet, a variance of 20 feet, in order to construct a 10x12 foot raised cement porch, in Council District 4, Tax Map 35, Grid 12, Parcel 370, Lot 3, also identified as 6192 Llanfair Drive, Columbia, Maryland, in the R-20 (Residential: Single) 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.