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| IN THE MATTER OF | : | BEFORE THE |
| Brian Stitely | : | HOWARD COUNTY |
| | : | BOARD OF APPEALS |
| Petitioner | : | HEARING EXAMINER |
| | : | BA Case No. 25-026V |

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DECISION AND ORDER

On December 17, 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 Brain Stitely (Petitioner) for a variance to reduce the minimum structure and use side yard setback from a public right-of-way, from 50 feet to 30 feet, a variance of 20 feet, for an addition, in Council District 1, Tax Map 24, Grid 14, Parcel 1146, Lot 1, also identified as 10013 Culverene Street, Ellicott City, 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.a.(1).(a).(ii)..

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. Brian Stitely (Petitioner) and Kathleen Stitley 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 .483-acre property is located in the southwest intersection of Culverene Street and Coehorn Court, east of Centennial Lane, and south of MD 40 (Baltimore National Pike) and MD 144 (Frederick Road). The subject Property lies in Council District 1, is identified as Tax Map 24, Grid 41, Parcel 1146, Lot 1, and is known as 10013 Culverene Street, Ellicott City, Maryland (the Property). The Property is developed with a single-family two-story detached dwelling with a two-car attached garage and is in a development of similar dwellings and lot sizes.

The Property is an irregular rectangular shape, is a corner lot with a curvature along Culverene Street and Coehorn Court, and is located on a cul-de-sac. The Property is surrounded by similar size lots developed with detached dwellings and attached garages. The Property is also improved with two freestanding sheds that are not in compliance with the rear and side yard setback requirements. These two sheds will need to be removed, moved, or otherwise made compliant with the current rear and side yard setback regulations.

2. Vicinal Properties. Adjoining properties are zoned R-20 and are developed with single-family detached dwellings with attached garages.

3. Agency Comments. There are no agency or department comments in opposition to the proposed variance request other than noting the existence of two sheds which are not in compliance with the rear and side yard setback regulations.

4. Requested Variance. Petitioner is requesting a variance to reduce the minimum structure and use side yard setback from a public right-of-way for a structure, from 50 feet to 30 feet, a variance of 20 feet, for a 396 sq ft habitable area addition, to add a first-floor handicapped accessible mother-in-law suite.

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 rectangular shaped corner lot having a curvature along Culverene Street and Coehorn Court and is located on a cul-de-sac. The Property is approximately 174.82 feet deep with a much narrower width of approximately 117.50 feet. As a result of the Property’s narrow shape, the dwelling, by necessity, is sited close to the side yard building restriction line. The Property decreases in topography as it approaches Coehorn Court. There are mature trees located on the Property along Coehorn Court which will remain and these trees will partially block the view of the proposed addition from the home directly across Coehorn Court. This home is situated so that the side entry garage is the only part of the home which will be able to see the proposed addition. These existing physical constraints cause the Property Owners practical difficulty in complying with the current bulk area requirements for the minimum structure and use side yard setback for structures from a public right-of-way, 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 located on a cul-de-sac in a developed detached single-family dwelling subdivision. Adjoining lots are of similar size and are developed with similar size detached dwellings with attached garages. The proposed addition will not alter the character of the existing neighborhood and will be architecturally compatible with the existing dwelling and the neighboring dwellings. It is designed so that there are not two front doors on the structure making it look like two dwellings. The house has one front door, and the structure retains its architectural design as a single dwelling unit. 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 396 sq ft habitable space addition 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 yard structure and use setback from a public right-of-way arises from the rectangular irregularly shaped lot, the design of the Property as a corner lot with a curvature along Culvene Street and Coehorn Court, the location of the Subject Property

on a cul-de-sac, and the resulting siting of the dwelling close to the 50-ft side yard building restriction line from a public right-of-way, which all render the side yard impractical for a reasonably sized addition for use as a handicapped accessible mother-in-law suite. 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 side yard setback for structures from a public right-of-way, is the minimum decrease necessary to permit the reasonable construction and use of a 396 sq ft habitable area addition to be used as a handicapped accessible mother-in-law suite. 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 or 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.

The Subject Property is not located in a Historic District.

ORDER

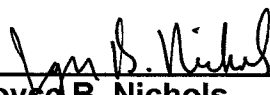
Based upon the foregoing, it is this 17th day of December, 2025, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Brian Stitely for a variance to decrease the minimum side yard structure and use setback from a public right-of-way for a structure, from 50 feet to 30 feet, a variance of 20 feet, in order to construct a 396 sq ft habitable area addition for use as a handicapped accessible mother-in-law suite, in Council District 1, Tax Map 24, Grid 41, Parcel 1146, Lot 1, also identified as 10013 Culverene Street, Ellicott City, Maryland, in the R-20 (Residential: Single) Zoning District, be and is hereby **GRANTED**, subject to the following Condition,

1. The two (2) sheds located to the rear of the Property are in violation of existing rear and side yard setback requirements and must be removed, relocated, or otherwise brought into compliance with existing rear and side yard setback requirements.

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.