

IN THE MATTER OF	:	BEFORE THE
<b>Sudarshan Chand</b>	:	HOWARD COUNTY
	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 25-031V

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**DECISION AND ORDER**

On April 21, 2026, 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 Sudarshan Chand (Petitioner) for a variance to reduce the minimum structure and use side yard setback, from 10 feet to 0 feet, a variance of 10 ft, for an accessory building (shed), in Council District 1, Tax Map 24, Grid 23, Parcel 502, also identified as 4276 Columbia Road, 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.c.(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. Sudarshan Chand (Petitioner) appeared in support of the Petition. Tillena Clark, Esq., appeared in opposition.

Petitioner submitted the following Exhibit:

Pet. Ex 1. Photo of shed

Opposition submitted the following Exhibits:

Opp. Ex 1. A-J Photos of the subject property since 2011

Opp. Ex 2. Ms. Clarks written testimony

### **FINDINGS OF FACT**

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

1. Property Identification and Description. The approximately .336-acre property is located on the west side of Columbia Road, northwest of the intersection of Rt 29 and MD 100, and south of Montgomery Road. The subject Property lies in Council District 5, is identified as Tax Map 24, Grid 23, Parcel 502, and is known as 4276 Columbia Road, Ellicott City, Maryland (the Property). The Property is developed with a single-family detached dwelling, a shed, and a temporary basketball hoop, and is in a development of similar dwellings, lot sizes and shapes, topography and woodland.

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

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 to reduce the 10’ side setback in order to retain the existing accessory structure and has determined that the request does not conflict with the Subdivision and Land Development Regulations. Since the accessory structure already exists on site, additional review by the Division of Land Development is not required.”

4. The Requested Variance. Petitioner is requesting a variance to reduce the minimum structure and use side yard setback for a structure, from 10 feet to 0 feet, a variance of 10 feet, for an existing shed.

5. Opposition. Petitioner purchased his home in 1997. In 2011 Petitioner erected a frame canopy on a 368 sq ft concrete pad on the side property line. Petitioner did not know he had to get a permit and did not obtain a building permit. Over time this awning has transmogrified into a covered patio with a weather tight shed. The adjacent neighbors at that time did not voice an objection to the awning/shed.

Opposition, the Clark-Winters, purchased the adjacent property at 4256 Columbia Road, in the fall of 2025. At that time a boundary survey revealed that the existing awning/shed was constructed on the Clark-Winters property line in violation of the subject Property’s 10 ft side yard building restriction line. Because it is constructed on a concrete slab on the property line, there is no area in which to provide screening landscaping on the subject Property.

Opposition argue that a 10 ft side yard setback on each side of the common property line between the Oppositions home and Petitioners home is important to

preserve as (1) it facilitates mowing of the lawn without obstruction, (2) it lessens trespass occurrences onto adjoining properties (Petitioners has a temporary basketball hoop on the shared property line and the balls must be retrieved from the Clark-Winters property) and (3) it provides a basic level of acoustic and visual privacy between the properties. Opposition urges that the 10 ft side yard setback should be the bright line over which accessory uses should not cross.

Opposition requests that the instant variance request should be denied for the following reasons:

1. The Petitioners rectangular lot is not unusual or unique, or has exceptional topography, that presents practical difficulties complying with the bulk regulations. Any practical difficulties or financial hardships are self-created by the Petitioner.
2. The Petitioner has inexpensively cobbled together by piecemeal, over many years, an accessory structure that alters the essential characteristics of the neighborhood.
3. The accessory structure significantly impairs the appropriate use and development of the adjoining property. It intrudes upon a basic level of acoustic and visual privacy.

### **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 fails to comply with § 130.0.B.2.a.(1) through (4) and therefore may not 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).

The Property is not unique or different in physical characteristics from surrounding properties and there are no existing physical constraints which 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 in accordance with §130.0.B.2.a.(1). Petitioners home is approximately 30 ft wide and is located in compliance with both 10 ft side yard setbacks. The awning/shed could be located

anywhere within the approximately 30 feet area commensurate with the home without violating the 10 side yard setback requirements. The lot may be narrow but there is plenty of area in which to erect a 368 sq ft awning/shed similar to the instant awning/shed.

- (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 variance will alter the essential character of the neighborhood in which the lot is located, will substantially impair the appropriate use or development of adjacent properties, and will be detrimental to the public welfare, in accordance with

§ 130.0.B.2.a.(2). The pictures provided by Opposition show the increasing growth of the structure from an awning to a weather tight shed with an awning. The original awning in 2011 was screened from view by landscaping shrubbery and trees. As the structure was expanded more and more of the landscaping was removed until, at the present time, the accessory structure is clearly visible from the street and the adjoining property. There is no other shed located on the property line and clearly visible on properties in the immediate neighborhood. Because the structure is located on the property line Petitioner is unable to screen it from the street and the adjoining property, either visually or auditorily, thus substantially impairing the use or development of adjacent property.

- (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 arise from circumstances which were created by the Petitioner, in accordance with

§130.0.B.2.a.(3). Petitioner purchased the subject property in 1996 and started development of the awning in 2011. Over time the awning was expanded into a shed with an awning and all screening shrubbery was removed. At no time did Petitioner apply for, or obtain, a building permit for this accessory structure. Petitioner stated that he did not know that he needed a permit and was also apparently in ignorance of the 10 ft building restriction line. Ignorance of the bulk regulations does not support a finding that construction within the 10 ft setback requirement was not a self-created hardship. Petitioner argues that it would be financially impractical to move the accessory building to outside the building restriction line because the concrete slab will have to be removed. This impracticability was created by the Petitioner when he laid a concrete slab immediately adjacent to the joint property line and entirely within the 10 ft side yard setback restriction.

**(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 feet from the 10 ft minimum structure and use side yard setback for structures, is not necessary to permit the reasonable construction and use of a shed. Within the intent and purpose of the regulations, no variance is needed as the shed can be developed at many other locations on the Property, 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.

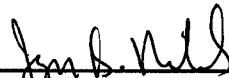
**ORDER**

Based upon the foregoing, it is this 22nd day of April, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Sudarshan Chand for a variance to decrease the minimum side yard structure and use setback for a structure, from 10 feet to 0 feet, a variance of 10 feet, in order to legalize an existing awning/shed, in Council District 1, Tax Map 24, Grid 23, Parcel 502, also identified as 4276 Columbia Road, Ellicott City, Maryland, in the R-20 (Residential: Single) Zoning District, be and is hereby **DENIED**.

**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.