

IN THE MATTER OF	:	BEFORE THE
Robert Warner	:	HOWARD COUNTY
	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 26-002V

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DECISION AND ORDER

On April 23, 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 David Warner (Petitioner) for a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 4 inches, a variance of 5 feet 8 inches, for an attached garage, and a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 2 inches, a variance of 5 feet 10 inches, for an existing shed, in Council District 2, Tax Map 30, Grid 24, Parcel 4, also identified as 8496 Thomas Williams Way, 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.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. David Warner (Property Owner) appeared in support of the Petition. Donna J. Williams and Gertie Thomas Williams, immediate neighbors of the subject Property, 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 .48-acre property is located on the east side of Thomas Williams Way, south of Old Annapolis Road (Md 108) and east of Waterloo Road. The subject Property lies in Council District 2, is identified as Tax Map 30, Grid 24, Parcel 4, and is known as 8496 Thomas Williams Way, Columbia, Maryland (the Property). The Property is developed with a single-family detached dwelling and is in a development of similar dwellings, lot sizes, topography and woodland.
2. Vicinal Properties. All adjoining properties are zoned R-20. Adjoining to the front are single family detached dwellings and the pipestem driveway leading to the Property. Adjoining to the side and rear property lines are single-family detached dwellings and two churches, Columbia Community Church and Garden Presbyterian Church.
3. Agency Comments. There are no agency or department comments in opposition to the proposed variance request.

The Health Department has no comments or objections to this building amendment variance request.

The Development Engineering Division takes NO EXCEPTION to the request to reduce the side of the property setback from 10 feet to 4 feet-4 inches based on the justification presented in the application.

The Division of Land Development has reviewed the above referenced residential variance to reduce the 10' side setback to 4'4" for the construction of a 28'x18' attached garage structure and determined the proposed work is not in conflict with the Subdivision and Land Development Regulations and does not require further review from the Division of Land Development.

The Department of Recreation and Parks takes no exception to the requested variance to the building setback.

Fire and Rescue - Office of the Fire Marshal has reviewed the request and has no comment and no objection to the request as presented.

The Resource Conservation Division (RCD) has no comments or objections.

The Department of Inspections, Licenses and Permits does not have comments for this BA case.

4. The Requested Variances. Petitioner is requesting for a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 4 inches, a variance of 5 feet 8 inches, for a 20x28 ft attached garage, and a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 2 inches, a variance of 5 feet 10 inches, for an existing 10 ft 2 in x 8 ft 1 in shed.

5. Opposition. The property now occupied by 8490, 8496 (the subject Property), and 8500 Thomas Williams Way was originally owned by the Williams family. Ms. Donna Williams and her mother Ms. Gertie Thomas Williams reside at 8490. Ms. Williams' brother subdivided the adjacent property and created an additional lot which was ultimately purchased by Petitioner. This pipestem lot is uniquely shaped and very narrow. Petitioner erected a fence along his side yard between his home and Ms. Williams home. This fence serves to block views of the shed and the proposed garage from Ms. Williams home. Ms. Williams stated that the driveway to the subject Property is located such that headlights shine in her bedroom. This driveway was developed as required access to the subject property and was in existence when Petitioner purchased his home, which was built in 1998.

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 variances comply 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).

The Property is located on a pipestem drive and is roughly a parallelogram in shape. The home is located in the front of the lot close to the front corner. This location is a function of the unique shape of the lot. This lot is unique and different in physical characteristics from surrounding properties and there are existing physical constraints which cause the Petitioner practical difficulty in complying with the current bulk area requirements for the minimum structure and use rear yard setback for structures 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 variances will not alter the essential character of the neighborhood in which the lot is located as many of the homes in the neighborhood have sheds and garages, and the garage is designed to be architecturally compatible with the home and the exterior finishing on the garage will be the same as the house. The variances will not substantially

impair the appropriate use or development of adjacent properties as adjacent properties are all developed. The variances will not be detrimental to the public welfare, all 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 arise from circumstances which were not created by the Petitioner. He bought an existing home and shed and did not create the unique lot shape nor did he construct either the home or the shed, 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 variances sought, a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 4 inches, a variance of 5 feet 8 inches, for an attached garage, and a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 2 inches, for an existing shed, a reduction of 5 feet 10 inches is the minimum necessary to permit the reasonable construction and use of an attached garage and an existing shed, 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.

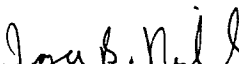
The Subject Property is not located in a Historic District.

ORDER

Based upon the foregoing, it is this 24th day of April, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of David Warner for a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 4 inches, a variance of 5 feet 8 inches, for an attached garage, and a variance to reduce the minimum structure and use side yard setback, from 10 feet to 4 feet 2 inches, a variance of 5 feet 10 inches, for an existing shed, in Council District 2, Tax Map 30, Grid 24, Parcel 4, also identified as 8496 Thomas William Way, Columbia, Maryland, in the R-20 (Residential: Single) Zoning District, be and is hereby **APPROVED**.

**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.