

IN THE MATTER OF	:	BEFORE THE
Charles and Patricia	:	HOWARD COUNTY
Watkins	:	BOARD OF APPEALS
Petitioners	:	HEARING EXAMINER
	:	BA Case No. 26-014V

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DECISION AND ORDER

On September 15, 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 Charles and Patricia Watkins (Petitioners) for a variance to reduce the minimum structure and use side yard setback requirements, from 7.5 feet to 4 feet, a reduction of 3.5 feet, for a proposed sunroom, in Council District 2, Tax Map 37, Grid 14, Lot 10, also identified as 6243 Woodcrest Drive, Ellicott City, Maryland, in the R-SC (Residential: Single Cluster) Zoning District, filed pursuant to § 130.0.B.2 of the Howard County Zoning Regulations (the HCZR) for a variance from § 110.0.D.4.b.i.

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. Charles and Patricia Watkins (Petitioners) 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 0.32-acre property is located on the north side of Woodcrest Drive, east of Waterloo Road (Md 108), south of Md 100 and north of Md 175. The subject Property lies in Council District 2, is identified as Tax Map 37, Grid 14, Lot 10, and is known as 6243 Woodcrest Drive, Ellicott City, Maryland (the Property). The Property is developed with a single-family detached dwelling, and is in a development of similar dwellings and lot sizes. The Property is a rectangular shape but due to the house's orientation on what is considered a corner lot, the sunroom proposed to be located on the rear of the house is actually located in the side yard. The topography of the Property slopes upward from the front of the Property towards the rear approximately 2-3 feet. The side property lines adjoin similar sized lots developed with attached dwellings.

2. Vicinal Properties. All adjoining properties are zoned R-SC and are developed with single-family detached dwellings. To the rear of the Property is dedicated open space for the adjoining subdivision.

3. Agency Comments. There are no agency or department comments in opposition to the proposed variance request.

The Department of Inspections, Licenses and Permits stated that a building permit will be required.

The Division of Land Development has reviewed the above referenced residential variance to reduce the rear setback by 3.5' for a proposed sunroom 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.

4. The Requested Variance. Petitioners are requesting a variance to reduce the minimum structure and use side yard setback from 7.5 feet to 4 feet, a reduction of 3.5 feet.

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 rectangular shape. The topography of the Property slopes upward from the front of the Property towards the rear of the Property. As the Property is a corner lot, the sunroom proposed for the rear of the house is legally considered to be located in the side yard. The side property lines adjoin similar sized lots developed with attached dwellings. As a result of the Property’s small size and shape and its location as a corner lot, the dwelling, by necessity, is sited close to the side yard building restriction lines, and the proposed sunroom will extend beyond the allowable side yard setback. The house location, the lot shape, the sloping topography and the location of the Property as a corner lot, all cause the Petitioners’ practical difficulty in complying with the current bulk area requirements for the minimum structure and use side yard setback for structures, of 7.5 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 corner lot located in a developed detached single-family dwelling subdivision. The proposed sunroom will not alter the character of the existing neighborhood; the adjacent home also has a sunroom. 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 sunroom will not be detrimental to 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 7.5-foot side yard structure and use setback arises from the house location,

the lot shape, the sloping topography and the location of the Property as a corner lot.

All of these circumstances result in very little side yard outside of the building restriction line. These circumstances were not created by the Petitioners, who purchased the existing home in 1996, 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 3.5 feet from the minimum structure and use side yard setback for structures, is the minimum decrease necessary to construct a useable sized sunroom. 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 16th day of September, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Charles and Patricia Watkins for a variance to reduce the minimum structure and use side yard setback requirements, from 7.5 feet to 4 feet, a reduction of 3.5 feet, for a proposed sunroom, in Council District 2, Tax Map 37, Grid 14, Lot 10, also identified as 6243 Woodcrest Drive, Ellicott City, Maryland, in the R-SC (Residential: Single Cluster) 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.