IN THE MATTER OF	:	BEFORE THE
Neel Parikh	:	HOWARD COUNTY
	:	BOARD OF APPEALS
Petitioner	:	HEARING EXAMINER
	:	BA Case No. 26-011V

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DECISION AND ORDER

On November 10, 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 Neil Parikh (Petitioner) for a variance to reduce the minimum structure and use rear yard setback requirements, from 25 feet to 19 feet, a reduction of 6 feet, for a proposed sunroom, in Council District 2, Tax Map 18, Grid 13, Parcel 25, Lot 34, also identified as 8524 Sunell Lane, 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 §§ 107.0.D.4(a) and 107.0.D.4(d)(1)(c).

Section 128.0.A.1.j of the Zoning Regulations allow room extensions and building additions on R-20 lots being developed under the R-ED regulations to encroach 10 feet

into a rear setback if the extension or addition does not extend more than 60% of the rear face of the dwelling and the rear of the lot adjoins mostly open space. The rear of the property includes a 25-foot rear setback and 75-foot external public street right-of-way setback (from Route 70). The 10-foot allowance only applies to the rear setback and not to the setback from a public street right-of-way.

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. Neel Parikh (Petitioner) and Dara Janajra (Designer) 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 0.61-acre property is located on the south side of Sunell Lane, east of Rodgers Avenue, north of I-70, and south and west of Patapsco River. The subject Property lies in Council District 2, is identified as Tax Map 18, Grid 13, Parcel 25, Lot 10, and is known as 8524 Sunell Lane, 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 an 11-sided irregular hendecagon shape resulting in the dwelling being located to the rear of the Property. The Property is zoned R-20 (Residential: Single) but was developed under the R-ED (Residential Environmental Development) zoning

district requirements per Section 108.0.G.3 of the Zoning Regulations. All adjoining properties are zoned R-20. The properties to the north are in the same subdivision and are developed with single-family detached dwellings. The property to the east is a wastewater pumping station owned by Howard County. The properties to the south and west are undeveloped open space land encumbered by a Forest Conservation easement.

2. Vicinal Properties. All the adjoining properties to the north are zoned R-20 and are developed with single-family detached dwellings. The remaining adjoining properties (east, south and west) are either Open Space or Forest Conservation.

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

4. The Requested Variance. Petitioner is requesting a variance to reduce the minimum structure and use rear yard setback from 25 feet to 19 feet, a reduction of 6 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 an 11-sided hendecagon shape. As a result of this irregular shape the dwelling is developed to the rear of the Property, allowing little area in which to develop accessory structures or the proposed sunroom. As a result of the Property's small size and unique shape, the dwelling, by necessity, is sited close to the rear yard building restriction lines, and the proposed sunroom will extend beyond the allowable rear yard setback. The Property is surrounded to the east, west and south by Open Space and Forest Conservation Easement land and

therefore the proposed will not be visible to adjoining homes. The view of the proposed sunroom is blocked from the single-family homes to the north by the existing dwelling as the sunroom will be located to the rear of the existing home. The house location and the lot shape cause the Petitioner practical difficulty in complying with the current bulk area requirements for the minimum structure and use rear yard setback for structures of 25 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 in a developed detached single-family dwelling subdivision and surrounded on three sides by Open Space and Forest Conservation Easement land. The proposed sunroom will not alter the character of the existing neighborhood and will not be visible to other single-family dwellings in the neighborhood. The proposed sunroom will be architecturally compatible with the façade of the existing single-family dwelling. 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 25-foot rear yard structure and use setback arises from the house location and the peculiar lot shape. Both of these circumstances result in very little rear yard outside of the building restriction line. These circumstances were not created by the Petitioner, 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 6 feet from the minimum structure and use rear 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 12th day of November, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That the Petition of Neel Parikh for a variance to reduce the minimum structure and use rear yard setback requirements, from 25 feet to 19 feet, a reduction of 6 feet, for a proposed sunroom, in Council District 2, Tax Map 18, Grid 13, Parcel 25, Lot 10, also identified as 8524 Sunell Lane, Ellicott City, 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.