



## Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](https://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

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July 25, 2017

Robert Z. Hollenbeck  
3420 Sylvan Lane  
Ellicott City, MD 21043

**RE: Waiver Approval**  
3420 Sylvan Lane  
Ellicott City, MD 21043

Dear Mr. Hollenbeck:

This letter is being issued in response to your waiver request received on July 6, 2017. This agency has **approved** the waiver to the required Percolation Certification Plan. The approval is based on the fact that the proposed bank barn does not affect the area available for future on-site sewage disposal. The bank barn is located in steep slopes and is located within the one hundred (100) foot setback to the existing well. Any deviations from the proposed work indicated on the building permit site plan will be subject to further review by this Department.

Any questions regarding this decision may be directed to the Well and Septic Program of the Howard County Health Department.

Respectfully,

Michael J. Davis

Assistant Director

Bureau of Environmental Health

Robert Z. Hollenbeck  
3420 Sylvan Lane  
Ellicott City, MD 21043  
July 6, 2017

7/25/17  
Approved  
Michael J. Quinn

Mr. Jeff Williams  
Program Supervisor, Well and Septic Program, Bureau of Environmental Health  
8930 Stanford Boulevard  
Columbia, MD 21045  
jewilliams@howardcountymd.gov

Mr. Williams,

I am writing today to request a formal waiver of the requirement for establishment of an alternate sewage disposal area and perk test for the above referenced property. This request is made in response to your comments dated May 23, 2017 related to zoning variance case BA-17-008V and our subsequent meeting at the property on June 8, 2017. As stated in our request for zoning variance, we seek to construct a modest two-story bank barn, with lot coverage of 744 SF. The bank barn will not add any fixture units to the property and will not contain any plumbing fixtures.

The bank barn is located on a slope whose grade is approximately, but not greater than, 3:1. It is also located within the 100 foot radius of the well. It is our understanding that these factors preclude the location for which the barn is planned from being an acceptable alternate sewage disposal area.

The property totals approximately 8.63 acres and is primarily wooded. The majority of the site slopes from north to south, extending down towards both the Patapsco River and Sucker Branch (a tributary of the Patapsco). The principal residence was constructed around 1884 and will remain as is, with a modern drilled well and functional septic tank, which is regularly pumped. These elements will not be disturbed by the barn construction. We are unsure of the date of construction of the well or septic, both of which predated our acquisition of the property in 2013.

If you have any questions or require additional information, please do not hesitate to contact me. I am also available to meet to discuss if need be. I can be reached by phone at 410-984-6512 or by email at zkhollenbeck@gmail.com.

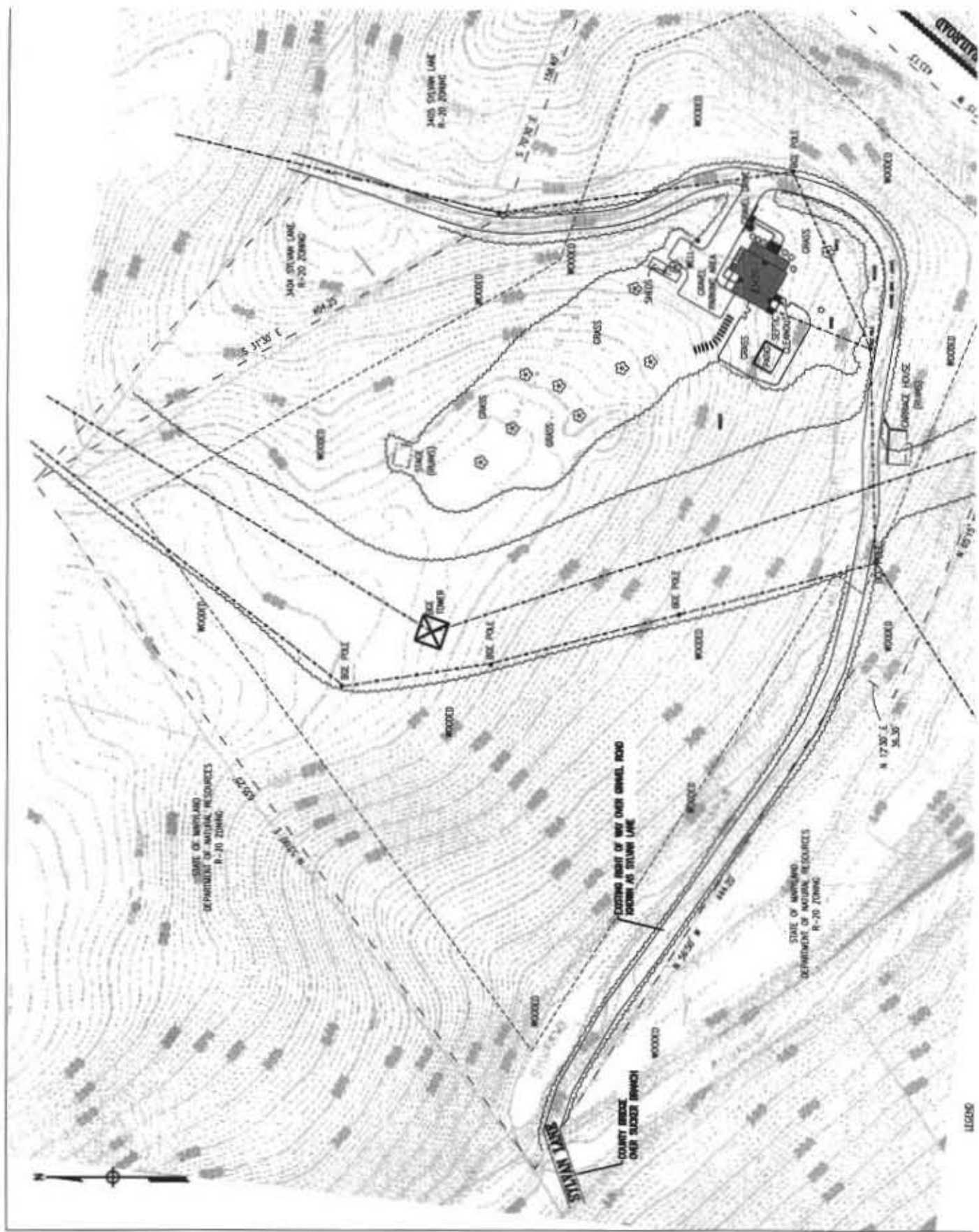
Thank you for your time and consideration of our request. I look forward to hearing from you.

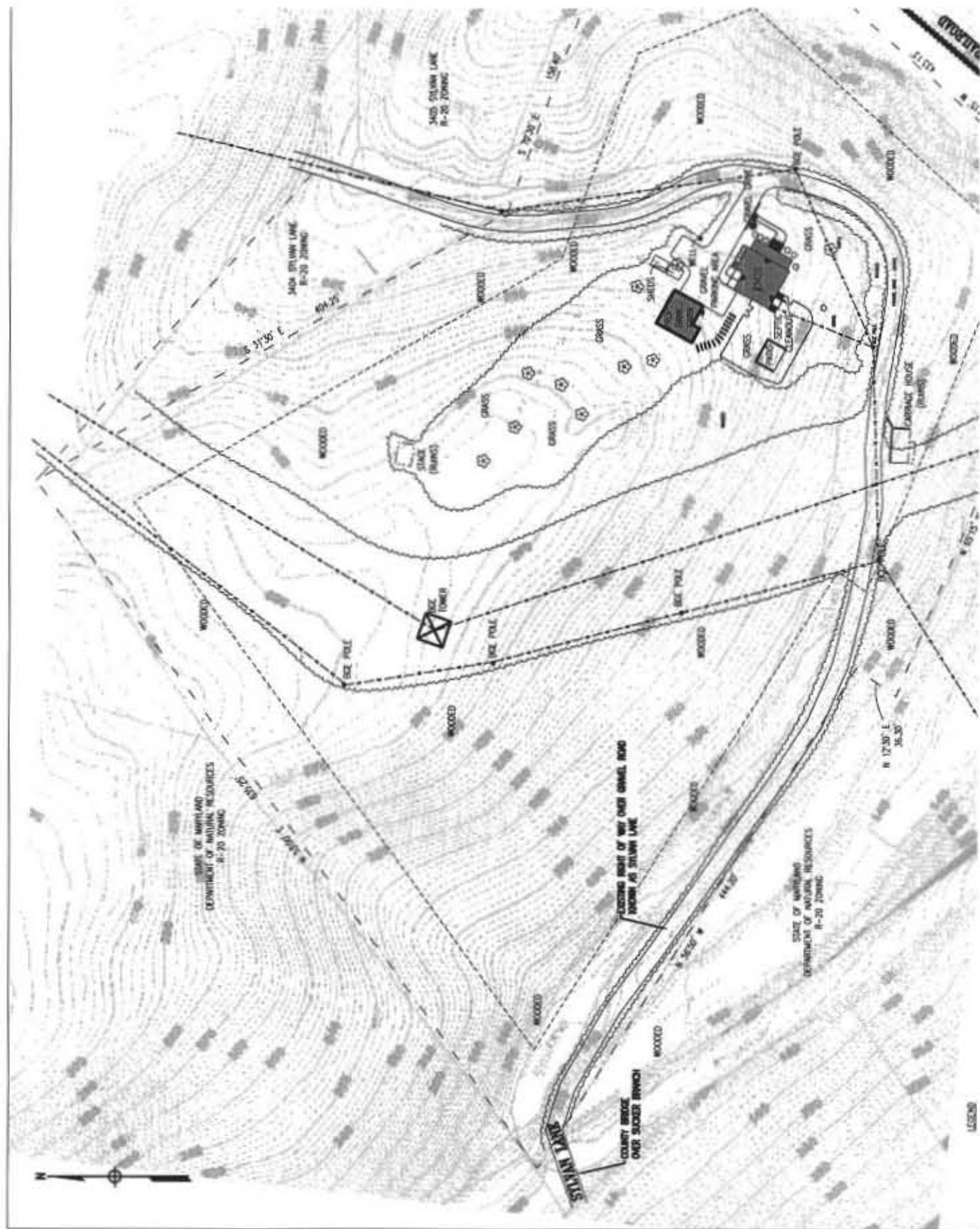
Sincerely,

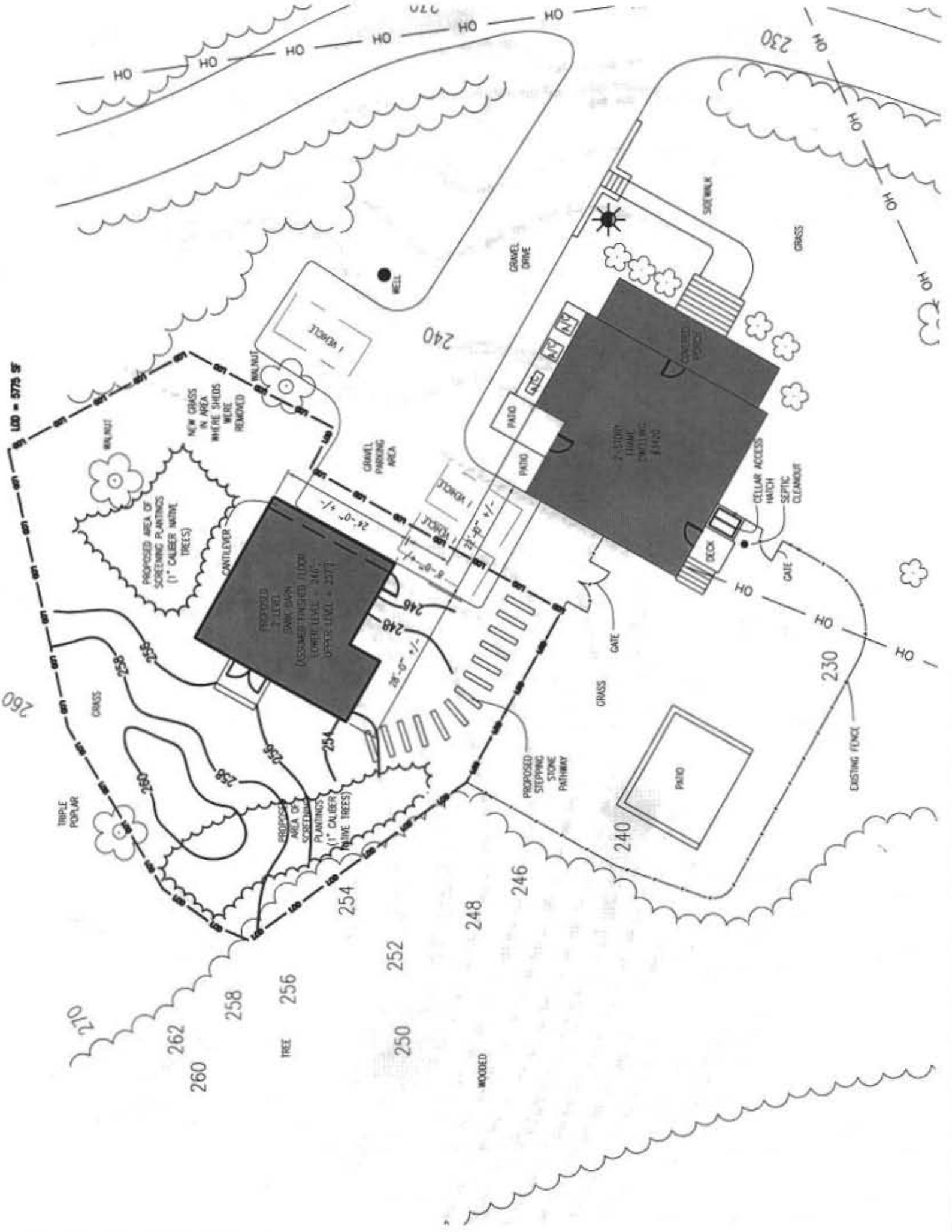


[Your Name]

Enclosures: Overall Existing Site Plan (SP-1), Proposed Site Plan (SP-2), Detailed Site Plan (SP-3),  
dated 27 June 2017



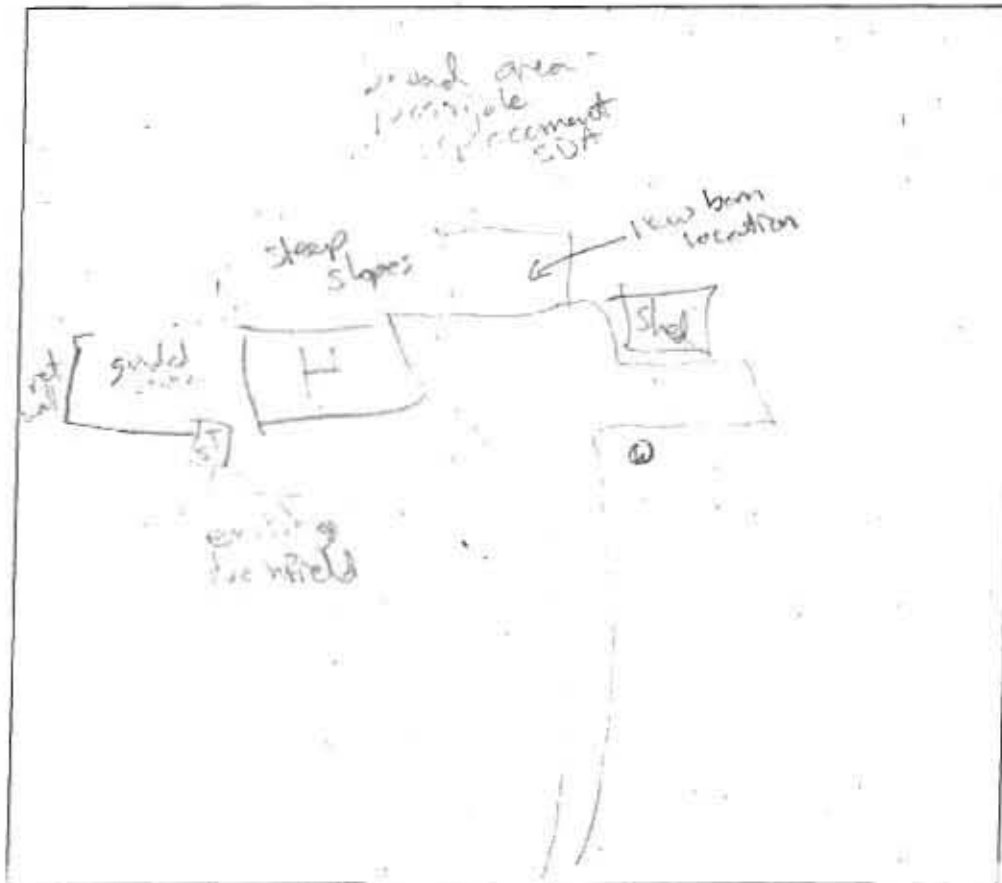




SITE INSPECTION SHEET

OWNER: \_\_\_\_\_ PHONE #: \_\_\_\_\_  
ADDRESS: 3420 Sylvan Ln CONTRACTOR: \_\_\_\_\_  
SUBDIVISION: \_\_\_\_\_ LOT: \_\_\_\_\_ WELL TAG #: \_\_\_\_\_  
PROPOSAL: \_\_\_\_\_

LOCATION DIAGRAM



COMMENTS: - area in front of house has ex. dirt field. May or may not have room for replacement. Area for proposed barn not suitable for SDA - steep slopes. Area N. of that is flatter + broad - possible area if not too rocky below surface.

DATE: 6/8/17 INSPECTOR: J. Williams



# Building Permit Application

Howard County Maryland  
Department of Inspections, Licenses and Permits  
3430 Court House Drive  
Permits: 410-313-2455  
www.howardcountymd.gov

DELP 2017 JUL 7 PM 3:26

Date Received: 7/18/17

Permit No.: B17002749

Building Address: 3420 Sylvan Lane  
City: Ellicott City State: MD Zip Code: 21043  
Suite/Apt. # SDP/WP/BA #: 6029  
Census Tract: 6029 Subdivision: N/A  
Section: 4831 / 420 Area: 8.63 A Lot:  
Tax Map: 0025 Parcel: 0272 Grid: 0008  
Zoning: R-20 Map Coordinates: 4816-D7 Lot Size: 8.63 A

Existing Use: Single family residence  
Proposed Use: Single family residence  
Estimated Construction Cost: \$ 125,000  
Description of Work: Construction of a two-story accessory structure (bank barn). - Detached  
Upper level - work shop. Garage  
Demolish 2 sheds,  
Occupant/Tenant Name:  
Was tenant space previously occupied? ☐ Yes ☐ No  
Contact Name:  
Address:  
City: State: Zip Code:  
Phone: Fax:  
Email:

Property Owner's Name: Robert Z. and Kellie L. Hollenbeck  
Address: 3420 Sylvan Lane  
City: Ellicott City State: MD Zip Code: 21043  
Phone: 410-984-6512 Fax:  
Email: zkhollenbeck@gmail.com

Applicant's Name & Mailing Address, (If other than stated herein)  
Applicant's Name:  
Address:  
City: State: Zip Code:  
Phone: Fax:  
Email:

Contractor Company: W.L.C., INC.  
Contact Person: Skip Clary  
Address: 203 Park Drive  
City: Catonsville State: MD Zip Code: 21228  
License No.: 31645  
Phone: 443-324-2985 Fax:  
Email: WLC1628@verizon.net

Engineer/Architect Company: SK Architects, P.C.  
Responsible Design Prof.: Scott Karsner, RA  
Address: 70 Church Road  
City: Arnold State: MD Zip Code: 21012  
Phone: 609-206-8440 Fax:  
Email: skarchitectspc@gmail.com

Commercial Building Characteristics	Residential Building Characteristics
Height:	<input type="checkbox"/> SF Dwelling <input type="checkbox"/> SF Townhouse
No. of stories:	Depth Width
Gross area, sq. ft./floor:	1 <sup>st</sup> floor:
	2 <sup>nd</sup> floor:
Area of construction (sq. ft.):	Basement:
	<input type="checkbox"/> Finished Basement
Use group:	<input type="checkbox"/> Unfinished Basement
	<input type="checkbox"/> Crawl Space
Construction type:	<input type="checkbox"/> Slab on Grade
<input type="checkbox"/> Reinforced Concrete	No. of Bedrooms:
<input type="checkbox"/> Structural Steel	Multi-family Dwelling
<input type="checkbox"/> Masonry	No. of efficiency units:
<input type="checkbox"/> Wood Frame	No. of 1 BR units:
<input type="checkbox"/> State Certified Modular	No. of 2 BR units:
	No. of 3 BR units:
	Other Structure: Accessory
	Dimensions: 28' X 30'
> Roadside Tree Project Permit	Footings: Reinforced concrete
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Roof: Standing seam metal
Roadside Tree Project Permit #	<input type="checkbox"/> State Certified Modular
	<input type="checkbox"/> Manufactured Home

Utilities
Electric: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Gas: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water Supply
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Private
Sewage Disposal
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Private
Heating System
<input type="checkbox"/> Electric <input type="checkbox"/> Oil
<input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane Gas
<input checked="" type="checkbox"/> Other: None
Sprinkler System:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Grading Permit Number: G17000230
Building Shell Permit Number:

THE UNDERSIGNED HEREBY CERTIFIES AND AGREES AS FOLLOWS: (1) THAT HE/SHE IS AUTHORIZED TO MAKE THIS APPLICATION; (2) THAT THE INFORMATION IS CORRECT; (3) THAT HE/SHE WILL COMPLY WITH ALL REGULATIONS OF HOWARD COUNTY WHICH ARE APPLICABLE THERETO; (4) THAT HE/SHE WILL PERFORM NO WORK ON THE ABOVE REFERENCED PROPERTY NOT SPECIFICALLY DESCRIBED IN THIS APPLICATION; (5) THAT HE/SHE GRANTS COUNTY OFFICIALS THE RIGHT TO ENTER ONTO THIS PROPERTY FOR THE PURPOSE OF INSPECTING THE WORK PERMITTED AND POSTING NOTICES.

Applicant's Signature: [Signature]  
zkollenbeck@gmail.com  
Email Address  
Property Owner  
Title/Company

Print Name: Robert Zachary Hollenbeck  
Date: 07/07/2017

Checks Payable to: DIRECTOR OF FINANCE OF HOWARD COUNTY

\*\*PLEASE WRITE NEATLY & LEGIBLY\*\*

-FOR OFFICE USE ONLY-

AGENCY	DATE	SIGNATURE OF APPROVAL
State Highways		
Building Officials		
PSZA (Zoning)		
PSZA (Engineering)		
Health	7/18/17	[Signature]

Is Sediment Control approval required for issuance? ☐ Yes ☐ No  
☐ CONTINGENCY CONSTRUCTION START

DPZ SETBACK INFORMATION
Front:
Rear:
Side:
Side St.:
All minimum setbacks met? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is Entrance Permit Required? <input type="checkbox"/> Yes <input type="checkbox"/> No
Historic District? <input type="checkbox"/> Yes <input type="checkbox"/> No
Lot Coverage for New Town Zone:
SDP/Red-line approval date:

Filing Fee	\$ 25.00
Permit Fee	\$
Tech Fee	\$
Excise Tax	\$
PSFS	\$
Guaranty Fund	\$
Add'l per Fee	\$
Total Fees	\$
Sub- Total Paid	\$
Balance Due	\$
Check	# 1103

Distribution of Copies: White: Building Officials

Green: PSZA,Zoning

Yellow: PSZA,Engineering

Pink: Health

Gold: SHA

**PROPOSED OVERALL SITE PLAN OF  
3420 SYLVAN LANE  
ELICOTT CITY, MD 21043  
R-20 ZONING  
PLOT PLAN SHEET 1 OF 2  
07 JULY 2017**

NOTE: A CERTIFICATE OF APPROVAL DATED APRIL 6, 2017 WAS ISSUED BY THE HOWARD COUNTY HISTORIC PRESERVATION COMMISSION FOR THIS PROJECT, CASE HPC-17-17.  
NOTE: A ZONING VARIANCE FOR THIS PROJECT WAS GRANTED ON JUNE 30, 2017, CASE BA 17-008V.  
NOTE: REFER TO PLOT PLAN SHEET 2 OF 2 FOR PROPOSED ENLARGED SITE PLAN

Floor area and height of structures, setback distances from property lines:

Lot Coverage of Proposed Accessory Structure: 744 square feet

Height of Proposed Accessory Structure: 16.5 Feet

Setback Required from Property Lines: Required: Minimum lot width at building restriction line ..... 60 feet - Provided: 413.3 feet

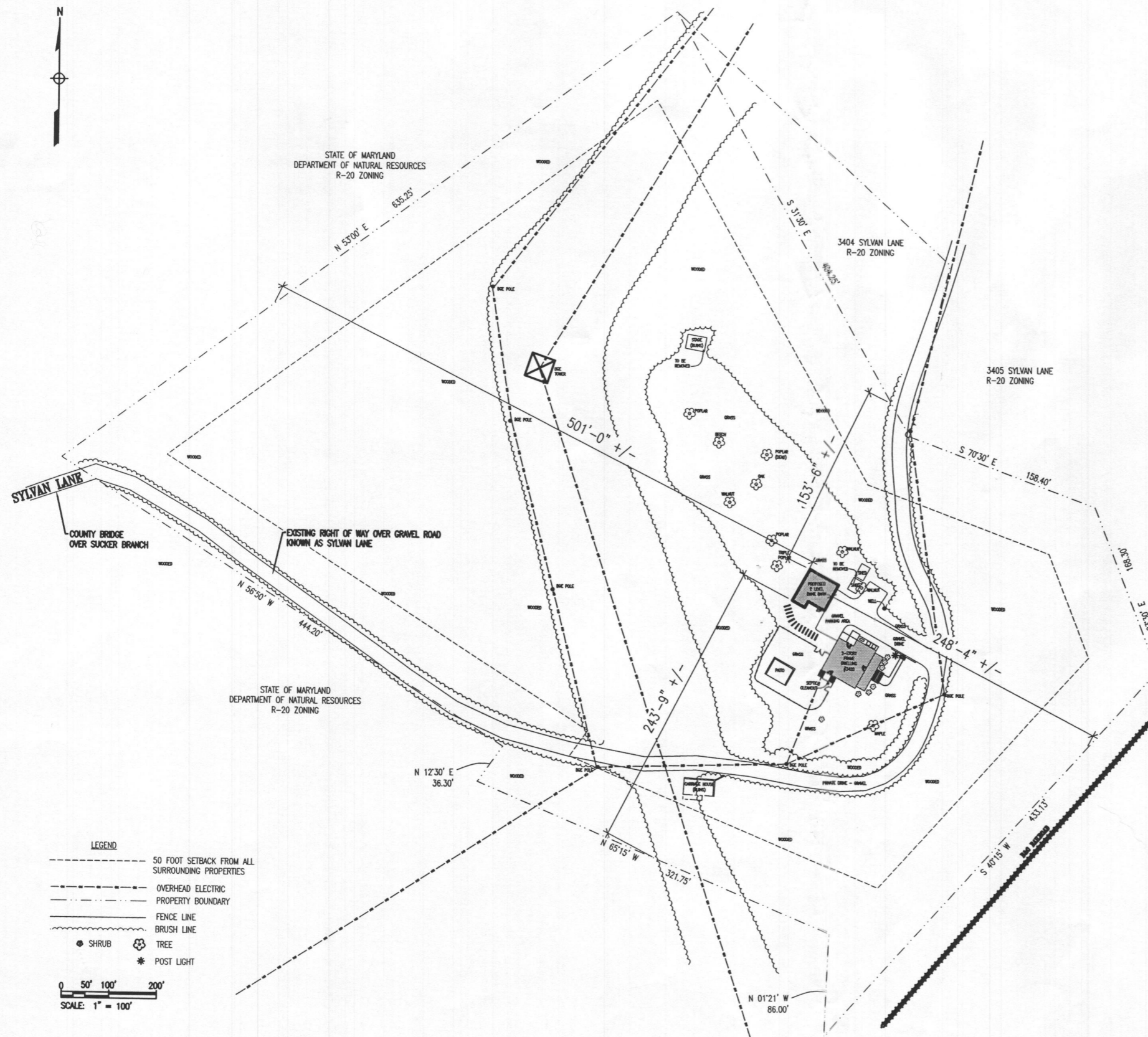
Minimum setback requirements

- a. From arterial or collector public street right-of-way
  - (1) Structures
    - (a) Front or side: 50 feet - Provided: Not applicable, property is not located on an arterial or collector public street.
    - (b) Rear
      - (i) Accessory structure ..... 10 feet - Provided: Not applicable, property is not located on an arterial or collector public street.
  - (2) Structures
    - (a) Front or side
      - (i) Lots that front a public street constructed after October 18, 1993 ..... 30 feet - Provided: Not applicable, lot was constructed in the 1880's.
      - (ii) All other lots ..... 50 feet - Provided: In excess of 500 feet.
    - (b) Rear
      - (i) Accessory structure ..... 10 feet - Provided: Not applicable. Rear of proposed accessory structure backs to land owned by the Maryland Department of Natural Resources. Rear of structure is located at least 250 feet from rear lot line.
- b. From other public street right-of-way
  - (1) Structures
    - (a) Front ..... 20 feet - Provided: 175' +/-
    - (b) Side ..... 10 feet - Provided: 140' +/-
    - (c) Rear
      - (i) Principal structure ..... 30 feet - Provided: 500' +/-
      - (ii) Accessory structure ..... 10 feet - Provided: 440' +/-
- c. From lot lines
  - (1) Structures
    - (a) Front ..... 20 feet - Provided: 175' +/-
    - (b) Side ..... 10 feet - Provided: 140' +/-
    - (c) Rear
      - (i) Principal structure ..... 30 feet - Provided: 500' +/-
      - (ii) Accessory structure ..... 10 feet - Provided: 440' +/-

Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings:

The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

- (a) 600 square feet for a lot in the planned public water and sewer service area. - Provided: 744 square feet



**PROPOSED ENLARGED SITE PLAN OF  
3420 SYLVAN LANE  
(DEPICTING RESIDENCE AND PROPOSED  
ACCESSORY STRUCTURE)  
ELLCOTT CITY, MD 21043  
PLOT PLAN SHEET 2 OF 2  
R-20 ZONING  
07 JULY 2017**

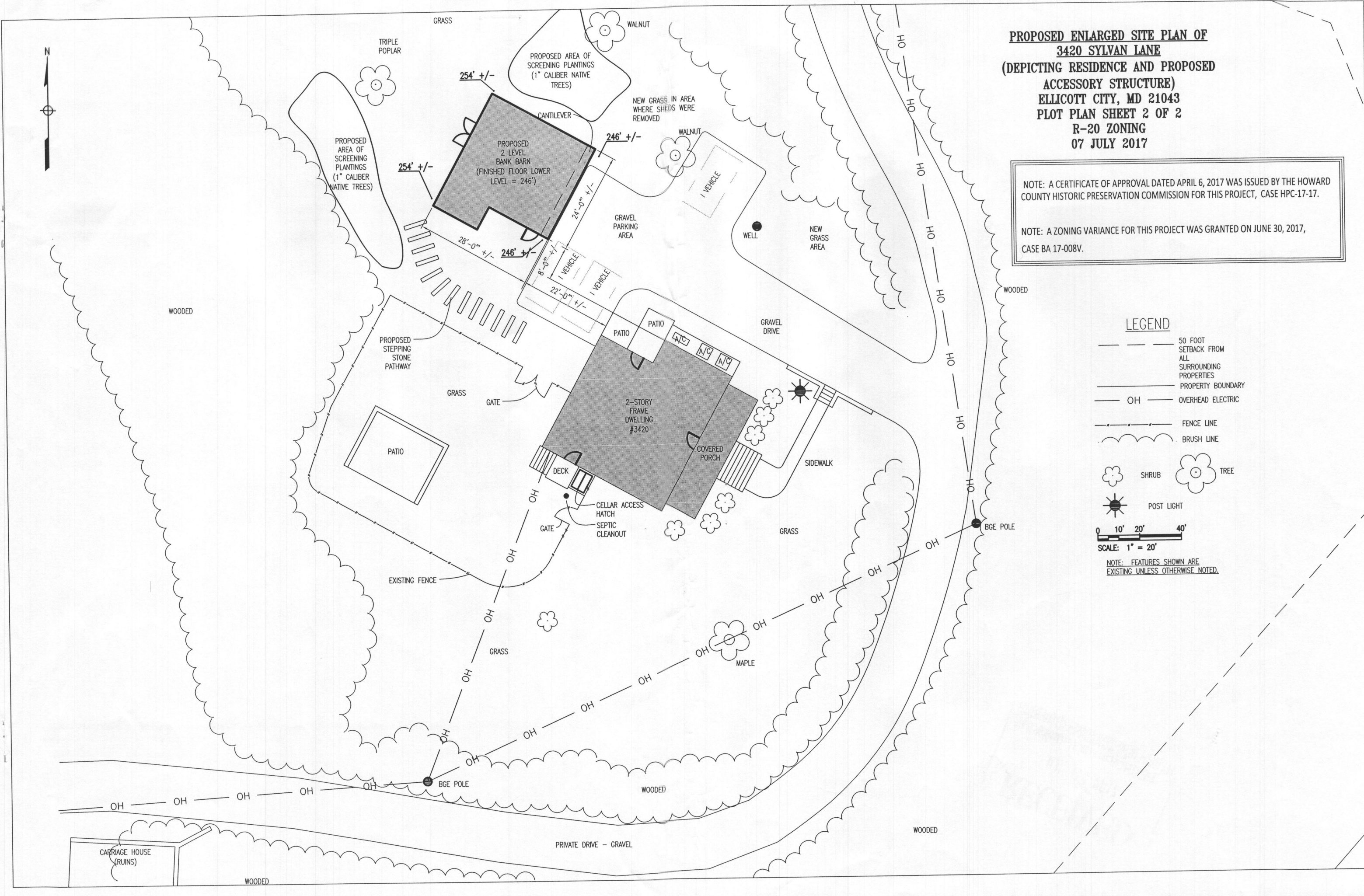
NOTE: A CERTIFICATE OF APPROVAL DATED APRIL 6, 2017 WAS ISSUED BY THE HOWARD COUNTY HISTORIC PRESERVATION COMMISSION FOR THIS PROJECT, CASE HPC-17-17.

NOTE: A ZONING VARIANCE FOR THIS PROJECT WAS GRANTED ON JUNE 30, 2017, CASE BA 17-008V.

**LEGEND**

- 50 FOOT SETBACK FROM ALL SURROUNDING PROPERTIES
- PROPERTY BOUNDARY
- OH OVERHEAD ELECTRIC
- FENCE LINE
- BRUSH LINE
- SHRUB
- TREE
- POST LIGHT
- SCALE: 1" = 20'

NOTE: FEATURES SHOWN ARE EXISTING UNLESS OTHERWISE NOTED.



B17002749



HOWARD COUNTY HISTORIC PRESERVATION COMMISSION  
ELlicott City Historic District ■ LAWYERS HILL HISTORIC DISTRICT  
3430 Court House Drive ■ Ellicott City, Maryland 21043

*Administered by the Department of Planning and Zoning*

www.howardcountymd.gov  
410-313-2350  
FAX 410-313-3467  
TDD 410-313-2323

April 6, 2017

Robert Z. Hollenbeck  
3420 Sylvan Lane  
Ellicott City, MD 21043

RE: HPC-17-17; 3420 Sylvan Lane, Ellicott City

Dear Mr. Hollenbeck:

Enclosed is the Decision and Order for the referenced case. As the Applicant for this Decision and Order, you are advised of certain provisions of the Howard County Code.

1. This Decision and Order is limited to exterior alterations approved by the Historic Preservation Commission as stated in the attachment, and you must comply with any listed conditions or requirements,
2. The last page of the Decision and Order must be posted on the property in a location visible from a public street while the work authorized by the certificate is being performed.
3. The Decision and Order will expire if the work has not been substantially completed within three (3) years of the date of approval for the construction of a new principal structure, or within 18 months of the date of approval for any other work. If the Decision and Order expires because work has not been substantially completed, a new application must be approved by the Historic Preservation Commission prior to commencing or completing this work.
4. This approval does not eliminate the need for a building permit or sign permit. Those permits may be applied for in the Department of Inspections, Licenses and Permits located on the first floor at 3430 Court House Drive, Ellicott City MD. Any questions regarding the permit process should be directed to the Department of Inspections, Licenses, and Permits at 410-313-2455.

Please contact Ms. Samantha Holmes at 410-313-4428 if you have any questions about this letter or the Decision and Order.

Sincerely,

Beth Burgess  
Executive Secretary

IN THE MATTER OF  
THE APPLICATION OF  
ROBERT Z. HOLLENBECK

\* BEFORE THE  
\* HOWARD COUNTY

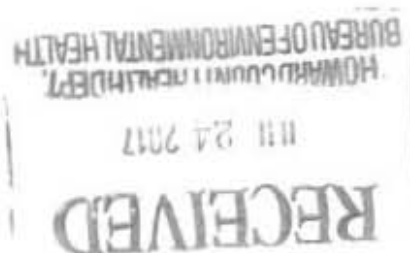
FOR A CERTIFICATE OF APPROVAL  
FOR NEW CONSTRUCTION  
AT 3420 SYLVAN LANE  
ELLCOTT CITY, MARYLAND

\* HISTORIC PRESERVATION  
\* COMMISSION  
\* Case No. 17-17

\* \* \* \* \*

### DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission ("Commission") convened a public hearing on March 3, 2017 to hear and consider the application of Robert Z. Hollenbeck ("Applicant"), for a Certificate of Approval for New Construction at 3420 Sylvan Lane, Ellicott City, Maryland (the "Subject Property"). The Commission members present were Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the March 3, 2017 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the "Design Guidelines" or "Guidelines"); and (6) the general design guidelines listed in Rule 107 of the Commission's Rules of Procedure.



### Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

### Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

#### **A. The Subject Property**

This property is located in the Ellicott City Historic District and dates to approximately 1890.

#### **B. Proposed Improvements**

The Applicant proposes to construct a bank barn behind the main historic house, cut into an existing slope. The application states, "the topography of the existing slope leaves approximately nine feet from driveway level to where the slope plateaus at the top, and has relatively little fall from side to side. By cutting into the slope, the scale of the structure is diminished, as only a single story will generally be visible from three sides once constructed."

The Applicant also seeks approval for a three rail wood fence that was constructed prior to their ownership of the home. The fence is a three rail split rail fence that is four feet high with posts 8-foot on center. Staff did not see approvals in the file for these items.

The proposed barn elements and materials are outlined below:

Foundation: The walls of the lower level foundation will be clad in a custom gray/brown/tan stone blend from quarried stone. The stone will be laid in a coursed ashlar pattern with light sand color mortar. The stone will be 4 to 6 inches thick and approximately 8 to 18 inches long.

Natural stone steps: Install 13 large stone slabs, approximately 3 to 4 feet in length and at least 6 inches in height, and varying in depth from 12 to 24 inches, into the existing hillside to create a stone pathway, as shown on the site plan.

Siding: The upper level of the barn will be constructed with board and batten siding using 1x12 rough sawn pine that is left to patina to a natural silver/gray. The battens will be 1x3 rough sawn pine, also left to naturally weather. The application states that "board and batten siding was selected to ensure that the structure does not resemble the home, so that it is subservient both in scale and material to the principal structure. Additionally, the board and batten is intended to echo some of the older accessory garage and barn structures located throughout the Historic District."

Roof and Gutters: The Applicant proposes to install a 16 inch wide Pac-Clad standing seam metal roof in either Weathered Zinc (option 1) or Colonial Red (option 2). The barn will have half round gutters and matching downspouts in a galvanized metal color in order to blend in with the natural wood siding which will weather to a silver/gray color. The Applicant also seeks approval to install an asphalt shingle roof if the standing seam metal roof is too expensive. The proposed asphalt shingle roof would be Tamko Heritage asphalt shingle in the color Old English Pewter, a light gray color. A metal woodstove chimney will extrude from the roof.



Lighting: Lighting fixtures will be added at entry doors and will be a black gooseneck style light.

Windows: The proposed windows will be Pella 2 over 2 double hung aluminum clad wood windows in the color white. The windows will have a 1x4 natural unpainted pine trim to match the board and batten siding.

Exterior doors, windows and other features by elevation:

East Elevation (labeled South elevation on submission) - Overhead garage sectional doors on the lower level will be faux carriage house garage doors built out of a composite material that will be painted Sherwin Williams Roycroft Copper Red with black hardware. The upper level barn style doors will be a wood custom built door 2 lite over 1 panel with v-groove detail in the panel. There will be three windows visible from this elevation. This side of the building will also have a 4x12 beam installed to resemble a barn hay carrier. A pulley will be affixed to the beam and will either be weathered steel or painted black. This item will not be functional.

South elevation (labeled West elevation on submission) - The proposed door on the lower level will be a half lite (no muntin pattern) over 1 v-groove panel wood door. Three windows will be visible on this side of the building. There will be one light on this side of the building, to the right of the door.

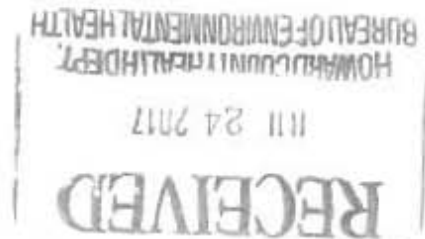
West Elevation (labeled North elevation on submission) - There will be one pair of doors on this elevation, which are salvaged doors with 6 lights over 1 'x' panel. The doors will be painted Sherwin Williams Roycroft Copper Red with black hardware. There are two windows visible on this elevation. There will be one light on this side of the building, over the paired door.

North elevation (labeled East elevation on submission) – There are no doors on this elevation. There are two windows, one on the upper level and one on the lower level, visible on this side of the building.

**C. Staff Report**

The application complies with Chapter 7 recommendations for “New Construction: Additions, Porches and Outbuildings.” The location of the barn complies with Chapter 7.C recommendations, “if allowed by the size and shape of the property, place new outbuildings to the side or rear of the main building, separated from the main building by a substantial setback.” The new barn will be located 22 feet behind the main house, set to the side and built into the hillside. The Guidelines also recommend, “do not place a new outbuilding where it blocks or obscures views of a historic building.” The barn will not be located directly behind the historic house, but to the rear on the north east edge.

The barn was designed to look like historic barns found in Ellicott City. This was explained in the application, as examples of other outbuildings and barns in the historic district were provided. The design complies with Chapter 7.C recommendations, “design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood.” This barn will not be visible from the public right of way, although it still complies with the recommendation. The barn will be built into the hillside, taking advantage of the natural topography. As a result, the barn will appear to be a one story structure on most sides, which complies with Chapter 7.C recommendations, “design outbuildings to be subordinate in size and detail to principal buildings in the immediate vicinity.”



Chapter 7.C recommends, "use materials compatible with the main building on the lot or with historic outbuildings in the immediate neighborhood." The barn will have wood board and batten siding, which will complement the German lap wood siding on the historic house. The application complies with Chapter 7.A recommendations, "on any building, use exterior materials and colors similar to or compatible with the texture and color of those on the existing building." The board and batten will be compatible with the historic house, but is more appropriate for the architectural style of the proposed barn. A natural stone will be used to veneer the foundation and it is compatible in color and scale with stone used on other buildings in Ellicott City. The proposed windows are aluminum clad wood and are appropriate as they will not be visible from a public way, are for new construction, but will still be made of wood and match the style of the windows on the historic house.

The proposed standing seam metal roof or backup proposed asphalt shingle roof complies with Chapter 7.A recommendations, "roofing material may be similar to historic roofing material on the existing building or may be an unobtrusive modern material such as asphalt shingles. Asphalt shingles should be flat and uniform in color and texture." The historic house has an asphalt shingle roof, so there are no historic roofing materials on the site. Staff recommends the Applicant consider using the secondary standing seam metal roof color choice, the colonial red. While the weathered zinc color is appropriate, the red will provide more contrast as the natural wood begins to age and keeps the entire building from becoming a monochromatic silver gray. The red will also complement the proposed red for the doors and tie that color scheme into the building.

The fence complies with Chapter 9.D, which states, "split rail or post and rail fences are more appropriate in less densely developed areas such as upper Church Road, Sylvan

Lane and Park Drive" and "install open fencing, generally not more than five feet high, of wood or dark metal."

**D. Staff Recommendation**

Staff recommends Approval as submitted and retroactive approval of the fence.

**E. Testimony**

Mr. Shad swore in Mr. Robert Hollenbeck. Mr. Shad asked if there were any additions or corrections to the Staff comments or application. Mr. Hollenbeck said he originally submitted a request for conditional approval pending approval of the zoning variance, but DPZ cannot approve the variance until the Commission issues an approval first.

Mr. Hollenbeck stated the proposed structure will not be very visible from the public way and he wants to do everything in accordance with the Guidelines. With the board and batten siding, Mr. Hollenbeck requested two different options. The first option would allow the wood to naturally patina. The second option would be to paint the siding Sherwin Williams Earl Gray with white trim.

Mr. Hollenbeck said for the standing seam metal roof they submitted two colors. He said that Staff recommended the red, which was their alternate color. He said they also submitted a Weathered Zinc color and requested approval for both colors. He said the roofer will use the PAC 150 double lock seam. Mr. Hollenbeck also requested approval of an alternate roof shingle in the color Old English Pewter by Tamko. Mr. Hollenbeck said if the natural patina siding is used, then galvanized gutters and downspouts will be installed. He said if the barn is painted, they will match the house with white gutters and downspouts.

Mr. Hollenbeck said for the exterior doors he submitted an option for salvaged doors, but the salvaged doors were no longer available because they didn't want to purchase them

without approval. He wanted guidance about the use of salvaged materials. Ms. Holmes said that if the Commission leaves that item to Staff approval, then Mr. Hollenbeck can bring the item to Staff and they could issue an approval. Ms. Holmes clarified Mr. Hollenbeck's first siding choice is the natural weathered patina. Mr. Hollenbeck said yes.

Ms. Holmes stated that she clarified the Hollenbeck's first choices so the Commission can focus on those items and approvals, and look at secondary choices if needed. Ms. Holmes summarized the first choices for the Commission. She said the siding would be an unpainted, natural patina board and batten siding. The roof is the galvanized weathered zinc. Downspouts are galvanized and the doors painted red, regardless of the color scheme. The lighting fixtures are black gooseneck style, regardless of the color scheme. The windows are 2 over 2 double hung aluminum clad wood windows in the color white, regardless of the color scheme. The trim would be natural unpainted pine matching the siding. Mr. Hollenbeck said yes. Ms. Holmes said thirteen large stone steps will be installed on the hillside for access. The foundation is the stone, regardless of the color scheme. Mr. Hollenbeck said they brought a sample of the stone for the foundation, which would be an ashlar pattern.

Ms. Zoren asked if the steep slope will have a retaining wall. Mr. Hollenbeck said no, the current slope will be maintained and the center will be dug out to add the structure. He said it may not be as drastic as shown in the section or elevation, but will represent the same grade.

Mr. Shad asked the other Commissioners if there was any concern over the color options. Mr. Roth said he had no concerns; he said that if they do not paint it the siding may need to be replaced sooner. Ms. Zoren said she was fine with the general style of the 6 light

over one panel door and letting Staff approval the salvaged doors. Ms. Holmes asked the Commission if they would want the salvaged doors to go through the Minor Alterations process if a drastically different style was submitted. The Commission confirmed that process should be used if the style is different.

**F. Motion**

Mr. Roth moved to approve as submitted for both option one and option two, and to allow Staff to use the Minor Alteration Process should the Applicant wish to change the west side door style, otherwise the salvaged door is subject to Staff approval. Ms. Zoren seconded. Mr. Roth also moved to retroactively approve the fence. Ms. Zoren seconded. The motion was unanimously approved.

**Conclusions Of Law**

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

**A. Standards of Review**

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

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Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 7 sets forth the relevant recommendations for New Construction: Additions, Porches and Outbuildings., as detailed in the Findings of Fact, part C. Additionally, Chapter 9 sets forth relevant recommendations for Landscape and Site Elements.

**B. Application of Standards**

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes to install a "bank" barn designed to look like historic barns found in Ellicott City. The barn will not be readily visible from the public way as it will be located at the rear of the historic structure on the Property, in keeping with Guidelines recommendations. The scale and location of the structure will be subordinate to the primary structure on the Property, as suggested by the Guidelines. The Applicant provided detailed description of the proposed architectural details and materials, which are in keeping with the historic and architectural materials and styles identified in the Guidelines, as thoroughly discussed in the Staff Report.

The barn will have wood board and batten siding, which will complement the German lap wood siding on the historic house. A natural stone will be used to veneer the

foundation and it is compatible in color and scale with stone used on other buildings in Ellicott City. The proposed windows are aluminum clad wood and are appropriate as they will not be visible from a public way, and are for new construction, but will still be made of wood and match the style of the windows on the historic house.

The proposed standing seam metal roof and backup proposed asphalt shingle roof both comply with Chapter 7.A recommendations, that roofing material be similar to historic roofing material on an existing building or be an unobtrusive modern material such as asphalt shingles. The historic house has an asphalt shingle roof, so there are no historic roofing materials on the site. Either of the color choices proposed for the roof are acceptable; colonial red or weathered zinc. Neither is historically inappropriate and both are compatible with the existing structure,

Finally, the fence that was constructed prior to the current owner's occupancy complies with Guidelines recommendations to use split rail or post and rail fences in less densely developed areas such as Sylvan Lane.

For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.



IN THE MATTER OF	:	BEFORE THE
ROBERT Z. HOLLENBECK	:	HOWARD COUNTY
Petitioner	:	BOARD OF APPEALS
	:	HEARING EXAMINER
	:	BA Case No. 17-008V

.....

**DECISION AND ORDER**

On June 5, 2017, 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 Robert Z. Hollenbeck (Petitioner) for variances to increase the 15-foot maximum accessory structure height to 16.5 feet and increase the 600sf maximum accessory structure cumulative lot coverage to 744 square feet for a bank barn in an R-20 (Residential: Single Family) zoning district, filed pursuant to § 130.O.B.2 of the Howard County Zoning Regulations (HCZR).

Petitioner certified to compliance with the advertising and posting requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure.

Petitioner was not represented by counsel. Robert Hollenbeck testified in support of the petition. No one appeared in opposition to the petition.

Petitioner introduced into evidence as Exhibit 1, a copy of the Historic Preservation Order approving the design of the bank barn.

**FINDINGS OF FACT**

Based upon the evidence presented at the hearing, the Hearing Examiner finds as follows:

1. Property Identification. The subject property is located in the 1<sup>st</sup> Election District on

not be visible from the public right of way, it still complies with the recommendation and it would be built into the hillside, taking advantage of the natural topography. As a result, the barn would appear to be a one-story structure on most sides, which complies with Chapter 7.C recommendations "design outbuildings to be subordinate in size and detail to principal buildings in the immediate vicinity."

6. Robert Hollenbeck testified to there being an almost 10' grade change in the proposed location of the bank barn; hence its design and height to make use of the land's existing natural contours in keeping with historic district guidelines.

7. Mr. Hollenbeck further testified there would be no habitation use of the bank barn, no bathroom, no sleeping quarters and no kitchen.

#### CONCLUSIONS OF LAW

The standards for variances are contained in HCZR § 130.0.B.2.a. This section authorizes the Hearing Examiner to 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 requests comply with HCZR §§ 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.**

The first criterion for a variance is that there must be some unique physical condition of the property, e.g., irregularity of shape, narrowness, shallowness, or peculiar topography that

results in a practical difficulty in complying with the particular bulk zoning regulation. Section 130.0.B.2.(a)(1). This test involves a two-step process. 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).

With respect to the first prong of the variance test, the Maryland courts have defined "uniqueness" thus.

In the zoning context, the 'unique' aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to characteristics as unusual architectural aspects and bearing or party walls. *North v. St. Mary's County*, 99 Md. App. 502, 514, 638 A.2d 1175 (1994) (emphasis added.)

In this case, the Property is irregularly shaped with steep topography, and located in the Ellicott City Historic District, which has unusual architectural characteristics that Petitioner desires to replicate in the design of the bank barn. The Hearing Examiner concludes these are unique physical conditions resulting in practical difficulties in complying with the total accessory maximum cumulative lot coverage and building height requirements.



the north side of Sylvan Lane about 1,400 feet northwest of Church Road. It is identified as Tax Map 0025, Grid 0008, Parcel 272 and known as 3420 Sylvan Lane (the Property).

2. Property Description. The 8.63-acre irregularly shaped Property is steeply sloping toward the Patapsco River. Consequently, all improvements are located in the southeasterly plateau portion of the Property.

3. Vicinal Properties. All vicinal properties are zoned R-20. To the southwest and northwest is Patapsco Valley State Park. The northeastern Parcels 171 and 247, Lot 1, are each improved with a single-family detached dwelling. To the southeast is the CRX Railroad right-of-way, and beyond this, the Patapsco River.

4. The Variance Requests (HCZR §§ 108.O.D.I.b & 128.O.A.I2.a.(1)(a)). Petitioner is requesting a variance from the § 108.O.D.I.b 15-foot maximum accessory structure height to increase the height of the bank barn to 16.5 feet and a second variance from § 128.O.A.I2.a.(1)(a) to increase the 600sf maximum accessory structure cumulative lot coverage to 744 square feet for this same barn. The petition states two existing sheds (844sf) and a collapsed stage structure shall be removed to reduce the total accessory structure cumulative square footage to 744sf.

5. On March 3, 2017, the Historic Preservation Commission approved Petitioner's petition for the same bank barn proposed in this variance petition. The decision and order explains the bank barn is designed to look like historic barns in Ellicott City and complies with Ellicott City Historic District Design Guidelines, Chapter 7.C recommendations, "design outbuildings visible from a public way to be compatible in scale, form and detailing with historic structures and outbuildings in the neighborhood." The decision notes that while the barn would



not be visible from the public right of way, it still complies with the recommendation and it would be built into the hillside, taking advantage of the natural topography. As a result, the barn would appear to be a one-story structure on most sides, which complies with Chapter 7.C recommendations "design outbuildings to be subordinate in size and detail to principal buildings in the immediate vicinity."

6. Robert Hollenbeck testified to there being an almost 10' grade change in the proposed location of the bank barn; hence its design and height to make use of the land's existing natural contours in keeping with historic district guidelines.

7. Mr. Hollenbeck further testified there would be no habitation use of the bank barn, no bathroom, no sleeping quarters and no kitchen.

#### CONCLUSIONS OF LAW

The standards for variances are contained in HCZR § 130.0.B.2.a. This section authorizes the Hearing Examiner to 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 requests comply with HCZR §§ 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.**

The first criterion for a variance is that there must be some unique physical condition of the property, e.g., irregularity of shape, narrowness, shallowness, or peculiar topography that

(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 bank barn in design, height and size will be in character with the neighborhood and zoning district and will not substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare.

(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.

Petitioner did not create the practical difficulties or hardships.

(4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum necessary to afford relief.

The requested variances are for a reasonably sized bank barn and are therefore the minimum necessary to afford relief.

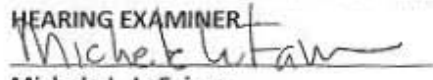
ORDER

Based upon the foregoing, it is this 30<sup>th</sup> Day of June 2017, by the Howard County Board of Appeals Hearing Examiner, **ORDERED**:

That the petition of Robert Z. Hollenbeck to increase the 15-foot maximum accessory structure height to 16.5 feet and increase the 600sf maximum accessory structure cumulative lot coverage to 744sf for a bank barn in an R-20 (Residential: Single Family) zoning district is **GRANTED**.

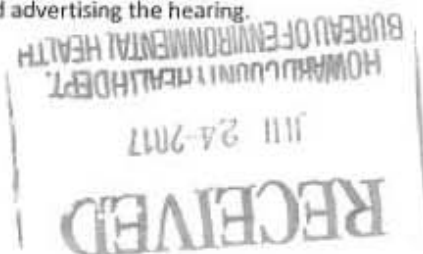
Provided, however, that:

1. The variances shall apply only to the uses and structures as described in the petition and as depicted on the Variance Plan and not to any other activities, uses, structures, or additions on the Property.
2. There shall be no habitation of the bank barn, no electrical heavying up, no bathroom, no sleeping quarters and no kitchen.
3. The two existing sheds (844sf) and a collapsed stage structure shall be removed to reduce the total accessory structure cumulative square footage to 744sf.
4. Petitioner shall obtain all required permits.
5. Petitioner shall comply with all state and local laws and regulations.

HOWARD COUNTY BOARD OF APPEALS  
HEARING EXAMINER  
  
Michele L. LeFaivre

Date Mailed: \_\_\_\_\_

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 calendar 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.



**ORDER AND CERTIFICATE OF APPROVAL**

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 0, it is this 6 day of April, 2017, **ORDERED**, that the Applicant's request for a Certificate of Approval for Landscape Alterations at the Subject Property, is **APPROVED**, as amended.

**HOWARD COUNTY HISTORIC  
PRESERVATION COMMISSION**

  
Allan Shad, Chair

  
Bruno Reich


  
Drew Roth

ABSENT  
Eileen Tennor

Erica Zoren

**APPROVED** for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW

  
Lewis Taylor  
Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.