



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

October 12, 2016

7040 Elm Avenue, LLC
6800 Deerpath Road, Ste. 101
Elkridge, MD 21075

RE: WP-16-137, Lennox Park, Lots 594-599

Dear Sir or Madam:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of Section 16.155(a)(2) Residential: New Residential Development requiring approval of a Site Development Plan for six semi-detached duplex units and Section 16.1205(a)(7) Forest Retention Priorities to allow for removal of one 30" or greater specimen tree, a 48" oak tree.

Approval is subject to the following conditions:

1. Subject to submission of a mylar original plan of the latest revised alternative compliance plan exhibit for County signatures by the DLD Chief, DED Chief and Planning Director within 45 days of the approval letter or November 26, 2016. The signature approved plan exhibit can be used for building and grading permit purposes similar to a signed SDP.
2. Authorization for building permit approval is only granted for Lots 596 thru 599 at this time. No building permits can be issued for Lots 594 and 595 until a setback variance is approved for a reduction of the side to public road setback requirement from 20 feet to 7.5 feet in accordance with Section 109.0.D.4.b.(1)(a) of the Zoning Regulations. Once the setback variance is approved by the Hearing Examiner, the applicant shall submit a plan revision (red-line) request to DED to revise the WP plan exhibit original to add a general note indicating the BA variance case file number, variance request and date of approval by the Hearing Examiner.
3. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits.
4. Compliance with the attached DED comments.
5. The applicant must provide two new 3" in diameter native species shade trees as replacement mitigation for the existing specimen tree to be removed within the lots after construction is completed.
7. Provide tree protection fencing around the 47" oak tree to remain on Lots 594&595.
8. No disturbance shall be permitted beyond the limit of disturbance shown on the alternative compliance plan exhibit nor should any trees be removed other than the one labeled "to be removed" on the alternative compliance exhibit. All other trees should remain.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

If the alternative compliance is not granted, the applicant will be required to prepare a site development plan. The alternative compliance plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this

project comply with all required permits issued by DILP as well as other state/local and utility company regulations.

This subject property has 2 specimen trees on site and it is not possible to retain the 1 specimen tree requested for removal on site and construct a new single family attached unit and driveway. Should the Regulations be strictly enforced, the house siting could not be altered to save this tree and the lot could not be developed which would result in extraordinary hardships and practical difficulties for the Owner.

Alternative Proposal

The alternate proposal to Section 16.155(a)(2) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this alternative compliance is a suitable substitute for the SDP requirement showing information necessary to evaluate this request for compliance with the Regulations.

Not Detrimental to the Public Interest

Not Detrimental to the Public Interest –Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. The proposed residential house would be a major improvement to the existing well maintained neighborhood. The proposed construction work will have no impact on any adjacent properties and tearing down the older existing house and rebuilding in the new location will improve the neighborhood.

The approval of the alternative compliance will not have any detrimental impact to the public interest. The removal of the tree will not impact water quality or habitat value/function. The owner is not circumventing the intent of the forest preservation regulations but is attempting to build a house on the subject property with adequate and safe lot design and conditions for the new homeowner. DPZ is requiring a 2 to 1 tree planting mitigation for removal of the one specimen tree.


Will not nullify the intent or purpose of the regulations

The alternative compliance proposal is an acceptable alternative to submitting a site development plan for standard review because the plan will be presented as part of the building permit application. Indicate this alternative compliance file number, request, section of the regulations, action, conditions of approval, and date on all documents and building permits.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested alternative compliance will remain valid for the time period specified under condition number 1 above.

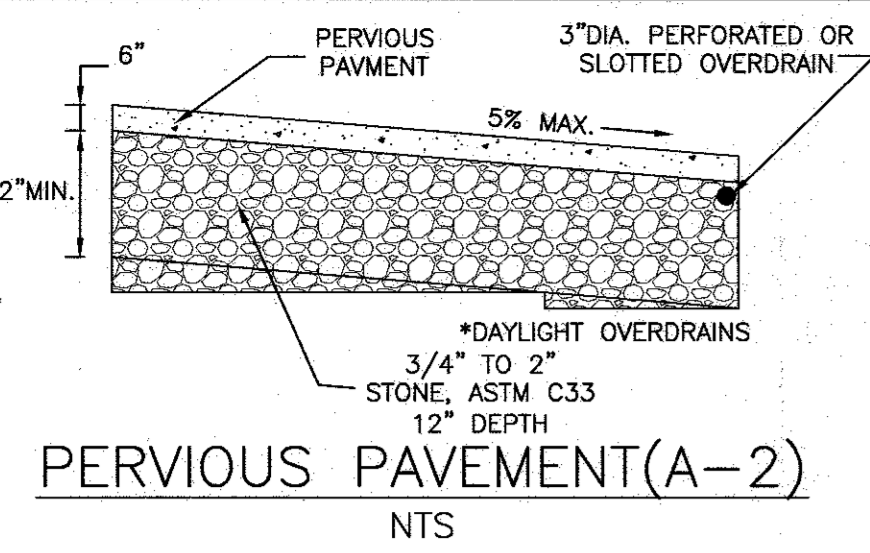
If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Annette Merson
Sang Oh
Benchmark Engineering



CONSTRUCTION AND INSPECTION SPECIFICATIONS FOR ALTERNATIVE SURFACES (A-2 PERMEABLE PAVING)

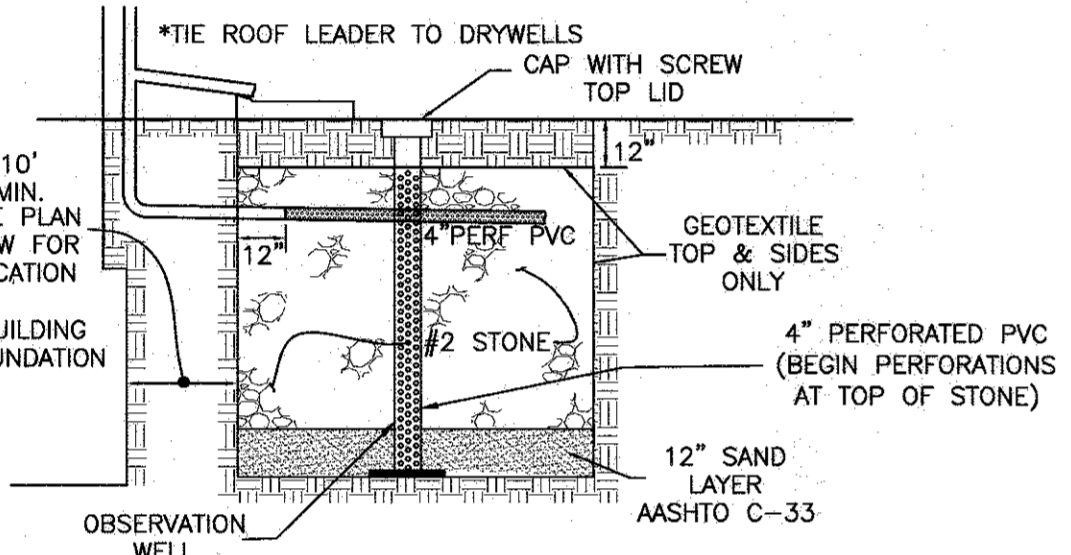
- EROSION AND SEDIMENT CONTROL: FINAL GRADING FOR INSTALLATION SHALL NOT TAKE PLACE UNTIL THE SURROUNDING SITE IS STABILIZED. IF THIS CANNOT BE ACCOMPLISHED, RUNOFF FROM DISTURBED AREAS SHALL BE DIVERTED AROUND PROPOSED PAVEMENT LOCATIONS.
- SOIL COMPACTION: SUB SOILS SHALL NOT BE COMPACTED. CONSTRUCTION SHOULD BE PERFORMED WITH LIGHTWEIGHT, WIDE TRACKED EQUIPMENT TO MINIMIZE COMPACTION. EXCAVATED MATERIALS SHOULD BE PLACED IN A CONTAINED AREA.
- DISTRIBUTION SYSTEMS: OVERDRAIN, UNDERDRAIN, AND DISTRIBUTION PIPES SHALL BE CHECKED TO ENSURE THAT BOTH THE MATERIAL AND PERFORATIONS MEET SPECIFICATIONS (SEE APPENDIX B.4). THE UPSTREAM ENDS OF PIPES SHOULD BE CAPPED PRIOR TO INSTALLATION. ALL UNDERDRAIN OR DISTRIBUTION PIPES USED SHOULD BE INSTALLED FLAT ALONG THE BED BOTTOM.
- SUBBASE INSTALLATION: SUBBASE AGGREGATE SHALL BE CLEAN, WASHED, AND FREE OF FINES. THE SUBBASE SHALL BE PLACED IN LIFTS AND LIGHTLY ROLLED ACCORDING TO THE SPECIFICATIONS (SEE APPENDIX B.4).
- INSPECTION: REGULAR INSPECTIONS SHALL BE MADE DURING THE FOLLOWING STAGES OF CONSTRUCTION:
 - DURING EXCAVATION TO SUBGRADE.
 - DURING PLACEMENT AND BACKFILL OF ANY DRAINAGE OR DISTRIBUTION SYSTEM(S).
 - DURING PLACEMENT OF THE SUBBASE MATERIAL.
 - DURING PLACEMENT OF THE SURFACE MATERIAL.
 - UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

PREVIOUS PAVING SUMMARY TABLE

Facility	MDE Type	Total DA	Impervious Area	Rv	At (SF)	Storage Depth	Stone Depth	Total	ESDv (CF)	Provided	Pe
Lot 598	A-2	1,072	453	0.43	437	PASS	1.0	62	62	153.3	2.0
Lot 597	A-2	1,613	450	0.30	437	PASS	1.0	65	65	131.1	1.9
Lot 596	A-2	622	453	0.71	437	PASS	1.0	59	59	131.1	2.3
Lot 595	A-2	1,068	450	0.29	437	PASS	1.0	65	65	131.1	1.9
Lot 594	A-2	538	453	0.69	437	PASS	1.0	59	59	131.1	2.3
TOTAL TREATED		5,813	2,259		4,185			59	Total	677.7	

OPERATION AND MAINTENANCE SCHEDULE FOR PRIVATELY OWNED AND MAINTAINED PERMEABLE PAVEMENT (A-2)

- PAVEMENT SURFACES SHOULD BE SWEEP AND VACUUMED (IF POROUS CONCRETE) TO REDUCE SEDIMENT ACCUMULATION AND ENSURE CONTINUED SURFACE POROSITY. SWEEPING SHOULD BE PERFORMED AT LEAST TWICE ANNUALLY WITH A COMMERCIAL CLEANING UNIT. WASHING OR COMPRESSED AIR UNITS SHOULD NOT BE USED TO PERFORM SURFACE CLEANING.
- DRAINAGE PIPES, INLETS, STONE EDGE DRAINS AND OTHER STRUCTURES WITHIN OR DRAINING TO THE SUBBASE SHOULD BE CLEANED OUT AT REGULAR INTERVALS.
- DEICERS SHOULD BE USED IN MODERATION. DEICERS SHOULD BE NON-TOXIC AND BE APPLIED EITHER AS CALCIUM MAGNESIUM ACETATE OR AS PRETREATED SALT. SNOW PLOWING SHOULD BE DONE CAREFULLY WITH BLADES SET ONE INCH ABOVE THE SURFACE. PLOWED SNOW PILES AND SNOWMELT SHOULD NOT BE DIRECTED TO PERMEABLE PAVEMENT.



DRYWELL (M-5) NTS

Lot #	DA (sf)	Drywell Designation	Length (ft)	Width (ft)	Depth (ft)	Grade	Top of Stone	Bottom of Stone
599	585	DW-1	6.25	6.00	5.00	174.5	171.7	166.7
598	585	DW-2	6.25	6.00	5.00	173.5	172.1	167.1
597	585	DW-3	6.25	6.00	5.00	170.6	168.4	163.4
596	585	DW-4	6.25	6.00	5.00	169.8	167.7	162.7
595	585	DW-5	6.25	6.00	5.00	168.6	166.2	161.2
594	585	DW-6	6.25	6.00	5.00	168.0	164.8	159.8

OPERATION AND MAINTENANCE SCHEDULE FOR PRIVATELY OWNED AND MAINTAINED STORMWATER INFILTRATION TRENCHES (I-1), DRY WELLS (M-5)

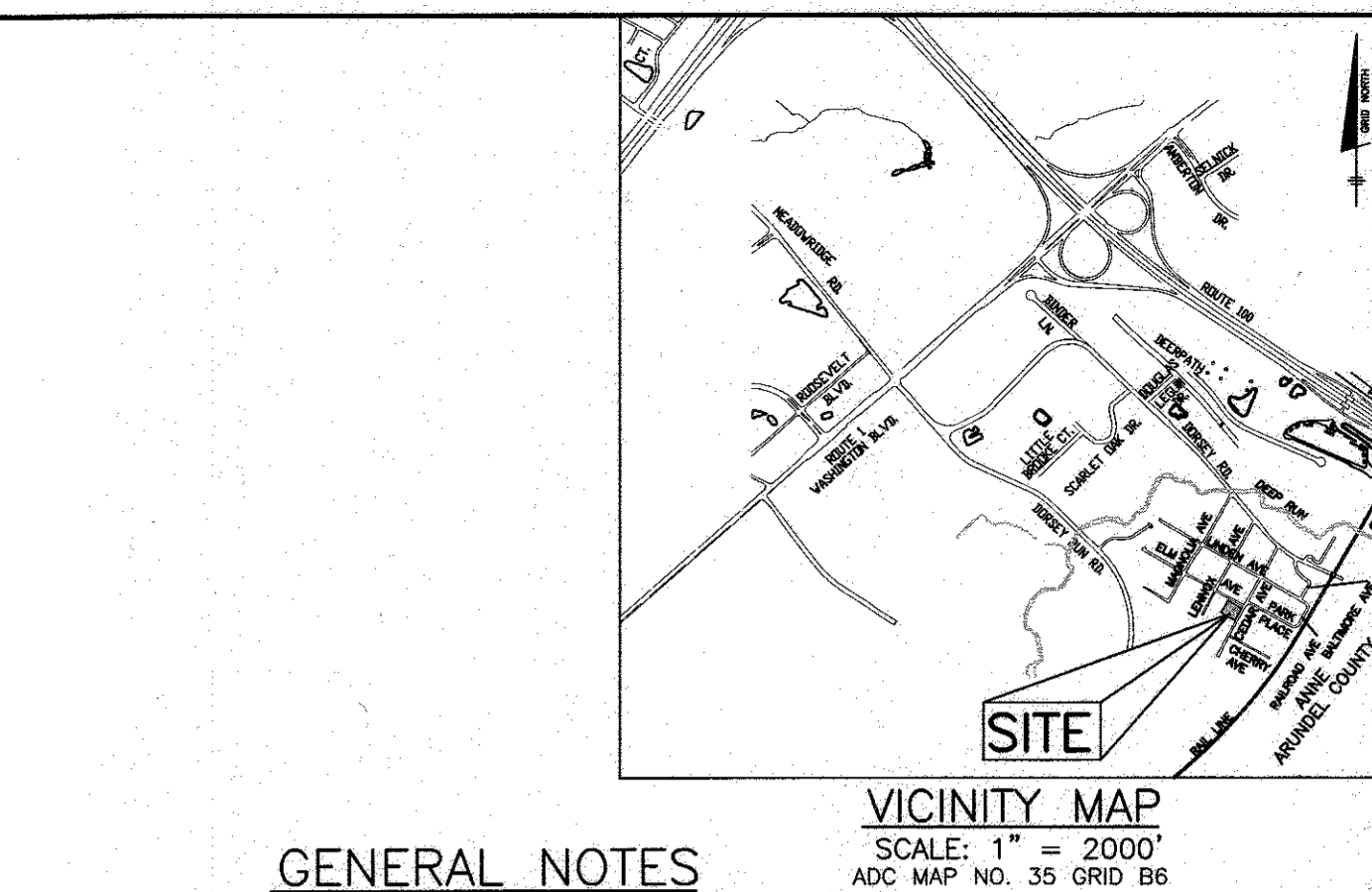
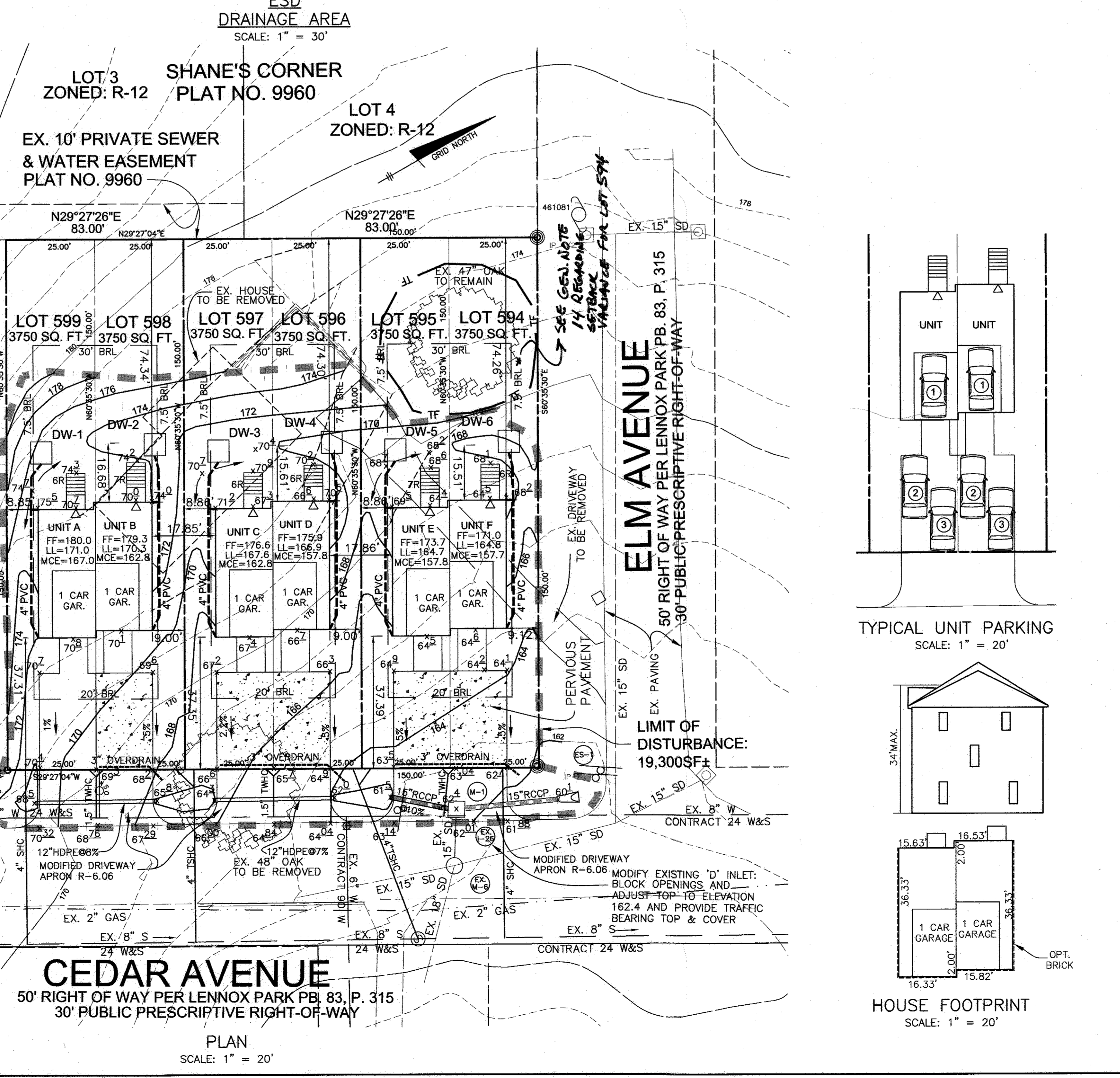
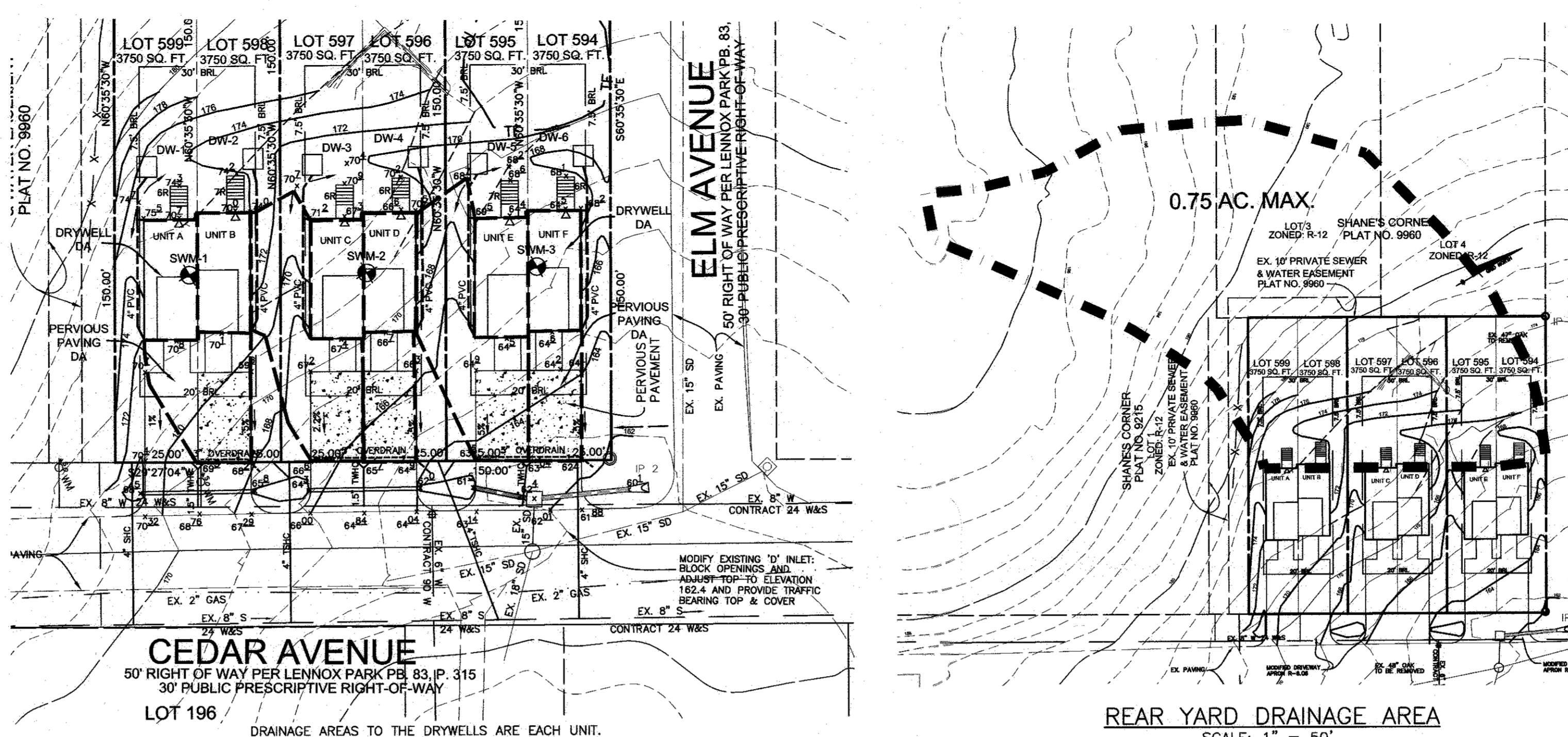
- THE MONITORING WELLS AND STRUCTURES SHALL BE INSPECTED ON A QUARTERLY BASIS AND AFTER EVERY LARGE STORM EVENT.
- WATER LEVELS AND SEDIMENT BUILD UP IN THE MONITORING WELLS SHALL BE RECORDED OVER A PERIOD OF SEVERAL DAYS TO INSURE TRENCH DRAINAGE.
- A LOG BOOK SHALL BE MAINTAINED TO DETERMINE THE RATE AT WHICH THE FACILITY DRAINS.
- WHEN THE FACILITY BECOMES CLOGGED SO THAT IT DOES NOT DRAIN DOWN WITHIN THE 72 HOUR TIME PERIOD, CORRECTIVE ACTION SHALL BE TAKEN.
- THE MAINTENANCE LOG BOOK SHALL BE AVAILABLE TO HOWARD COUNTY FOR INSPECTION TO INSURE COMPLIANCE WITH OPERATION AND MAINTENANCE CRITERIA.
- ONCE THE PERFORMANCE CHARACTERISTICS OF THE INFILTRATION FACILITY HAVE BEEN VERIFIED, THE MONITORING SCHEDULE CAN BE REDUCED TO AN ANNUAL BASIS UNLESS THE PERFORMANCE DATA INDICATES THAT A MORE FREQUENT SCHEDULE IS REQUIRED.

APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

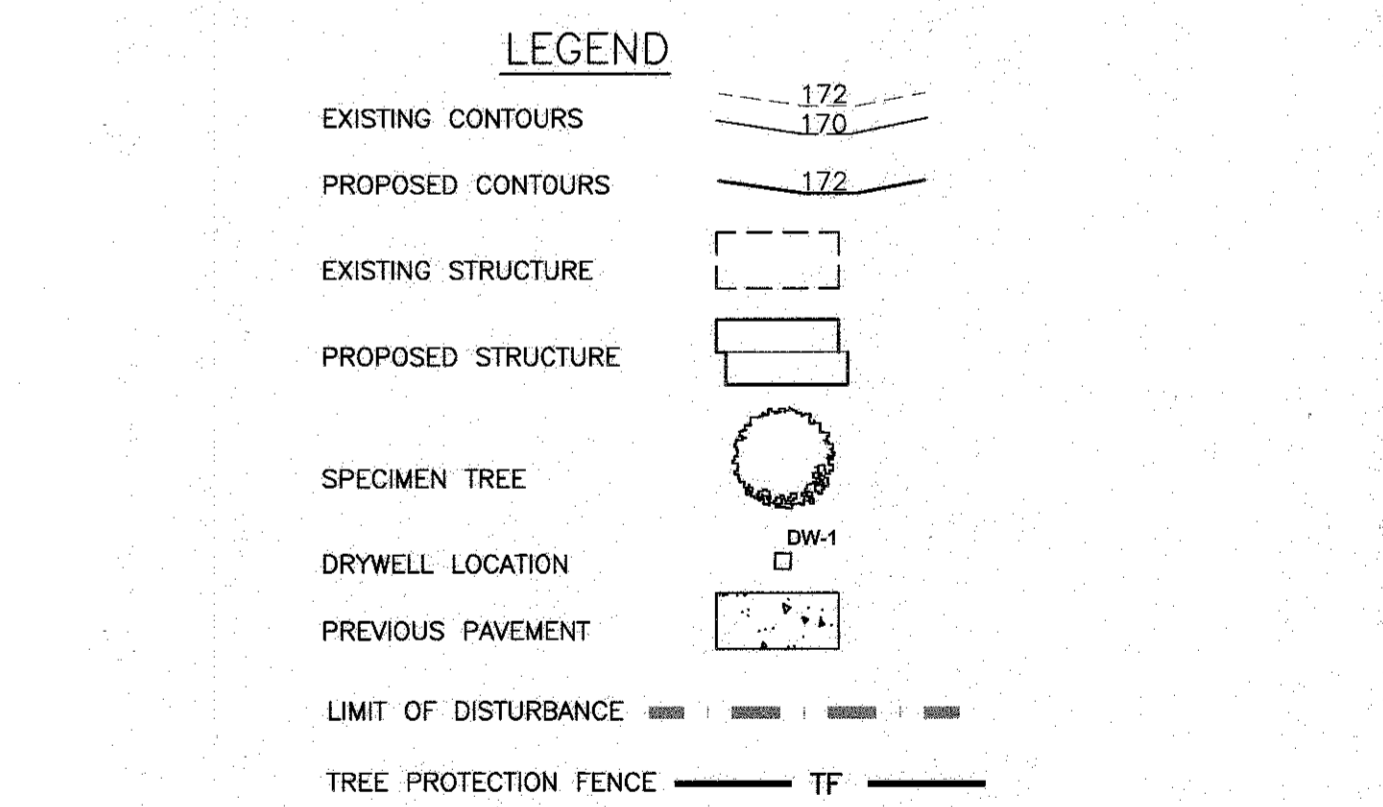
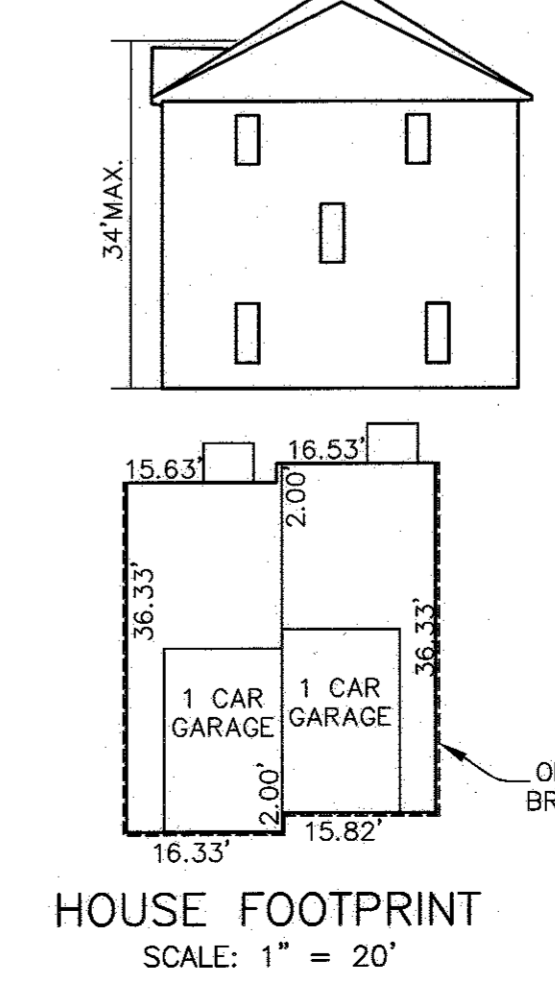
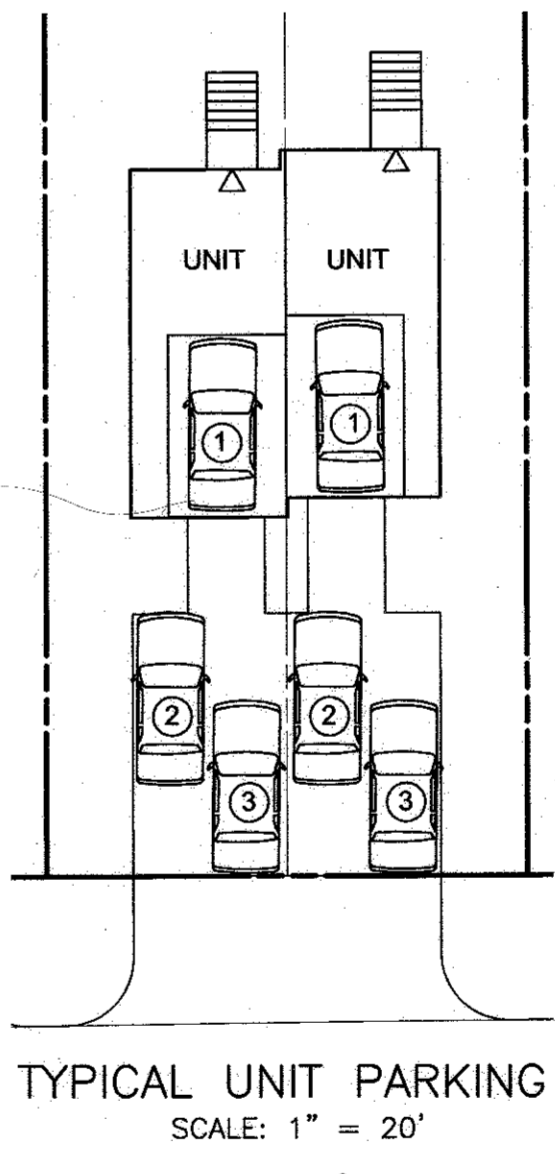
Keith A. ... 11-14-16
 CHIEF, DIVISION OF LAND DEVELOPMENT
 DATE

Chad E. ... 11-10-16
 CHIEF, DEVELOPMENT ENGINEERING DIVISION
 DATE

Valerie ... 11-15-16
 DIRECTOR
 DATE



- GENERAL NOTES**
- THE TOPOGRAPHY AND BOUNDARY SHOWN HEREON ARE BASED ON A FIELD RUN SURVEY DATED DECEMBER 2015 BY BENCHMARK ENGINEERING, INC.
 - THE PROPERTY IS KNOWN AS TAX MAP 43, GRID 06, PARCEL 343. THE TOTAL PROPERTY AREA IS APPROXIMATELY 0.51 ACRES.
 - THE PROPERTY IS ZONED R-12 PER THE 10.06.13 COMPREHENSIVE ZONING PLAN.
 - THE EXISTING HOUSE LOCATED ON THE PROPERTY AND DRIVEWAY ARE TO BE REMOVED.
 - LIMIT OF DISTURBANCE - 19,300SF±
 - STORMWATER MANAGEMENT FOR THIS SITE WILL BE PROVIDED BY DRYWELLS FOR THE ROOFTOPS AND PERVIOUS PAVING FOR THE DRIVEWAYS.
 - THESE LOTS ARE EXISTING LOTS KNOWN AS LENNOX PARK RECORDED AS PLATBOOK 83 PAGE 315 DATED FEBRUARY 4, 1907.
 - A TRAFFIC STUDY IS NOT REQUIRED FOR THIS DEVELOPMENT SINCE THE LOTS ARE EXISTING AND NO NEW LOTS ARE TO BE CREATED.
 - THERE ARE NO FLOODPLAINS, STREAMS, STEEP SLOPES OR WETLANDS LOCATED ON THIS SITE.
 - A NOISE STUDY IS NOT REQUIRED FOR THIS PROPERTY SINCE IT IS NOT IN THE AIRPORT NOISE ZONE AND IS MORE THAN 500' FROM A RAIL LINE.
 - FIELD TESTING BY A GEOTECHNICAL ENGINEER HAS DETERMINED THAT THE ONSITE SOIL IS CHARACTERISTIC OF A 'B' SOIL. INFILTRATION TESTS INDICATED THAT DRYWELLS ARE AN ACCEPTABLE PRACTICE.
 - THE UNIT SHOWN ON LOT 594 INDICATES THAT A VARIANCE REQUEST TO THE SIDE SETBACK WILL BE REQUIRED. THIS WILL BE RESOLVED PRIOR TO BUILDING PERMIT ISSUANCE FOR LOT 594.
 - THIS PLAN IS SUBJECT TO A WAIVER WP-16-137 APPROVED OCTOBER 12, 2016 TO SECTION 16.155(a)(2) RESIDENTIAL NEW RESIDENTIAL DEVELOPMENT REQUIRING APPROVAL OF A SITE DEVELOPMENT PLAN FOR SIX SEMI-DETACHED DUPLEX UNITS AND SECTION 16.1205(a)(7) FOREST RETENTION PRIORITIES TO ALLOW FOR REMOVAL OF ONE 30' OR GREATER SPECIMEN TREE, A 48" OAK TREE.
 - APPROVAL IN SUBJECT TO THE FOLLOWING CONDITIONS:
 - SUBJECT TO SUBMISSION OF A MYLAR ORIGINAL PLAN OF THE LATEST REVISED ALTERNATIVE COMPLIANCE EXHIBIT FOR COUNTY SIGNATURES BY THE OLD CHIEF, DED CHIEF, AND THE PLANNING DIRECTOR WITHIN 45 DAYS OF THE APPROVAL LETTER OF NOVEMBER 26, 2016. THE SIGNATURE APPROVAL PLAN EXHIBIT CAN BE USED FOR BUILDING PERMIT AND GRADING PERMIT PURPOSES SIMILAR TO A SIGNED SDP.
 - AUTHORIZATION FOR BUILDING PERMIT APPROVAL IS ONLY GRANTED FOR LOTS 596 THRU 599 AT THIS TIME. NO BUILDING PERMITS CAN BE ISSUED FOR LOTS 594 AND 595 UNTIL A SETBACK VARIANCE IS APPROVED FOR A REDUCTION OF THE SIDE TO PUBLIC ROAD SETBACK REQUIREMENT FROM 20 FEET TO 7.5 FEET IN ACCORDANCE WITH SECTION 109.D.4.b.(1)(c) OF THE ZONING REGULATIONS. ONCE THE SETBACK VARIANCE IS APPROVED BY THE HEARING EXAMINER, THE APPLICANT SHALL SUBMIT A PLAN REVISION (RED-LINE) REQUEST TO DED TO REVISE THE WP PLAN EXHIBIT ORIGINAL WP ADD A GENERAL NOTE INDICATING THE BA VARIANCE CASE NUMBER, VARIANCE REQUEST AND DATE OF APPROVAL BY THE HEARING EXAMINER.
 - THE PETITIONER SHALL COMPLY WITH ALL APPLICABLE COUNTY AND STATE REGULATION AND OBTAIN ALL NECESSARY PERMITS FROM THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS.
 - COMPLIANCE WITH THE DED COMMENTS.
 - THE APPLICANT MUST PROVIDE TWO NEW 3" IN DIAMETER NATIVE SPECIES SHADE TREES AS REPLACEMENT MITIGATION FOR THE EXISTING SPECIMEN TREE TO BE REMOVED WITHIN THE LOTS AFTER COMPLETION.
 - PROVIDE TREE PROTECTION FENCING AROUND THE 47" OAK TREE TO REMAIN ON LOTS 594 & 595.
 - NO DISTURBANCE SHALL BE PERMITTED BEYOND THE LIMIT OF DISTURBANCE SHOWN ON THE ALTERNATIVE COMPLIANCE PLAN EXHIBIT NOR SHOULD ANY TREE BE REMOVED OTHER THAN THE ONE LABELED "TO BE REMOVED" ON THE ALTERNATIVE COMPLIANCE EXHIBIT. ALL OTHER TREES SHOULD REMAIN.



NO. DATE REVISION

BENCHMARK ENGINEERING, INC.
 ENGINEERS & LAND SURVEYORS & PLANNERS
 8480 BALTIMORE NATIONAL PIKE & SUITE 315 & ELLICOTT CITY, MARYLAND 21043
 (P) 410-465-8105 (F) 410-465-8644
 WWW.BE-ENGINEERING.COM

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional geoscientist practicing in the State of Maryland. License No. 22086-Exp. Date: 6.30.17.

LENNOX PARK LOTS 594-599

TAX MAP: 43 - GRID: 06 - PARCEL: 343
 ZONED: R-12 (RESIDENTIAL)
 ELECTION DISTRICT NO. 1 - HOWARD COUNTY, MARYLAND

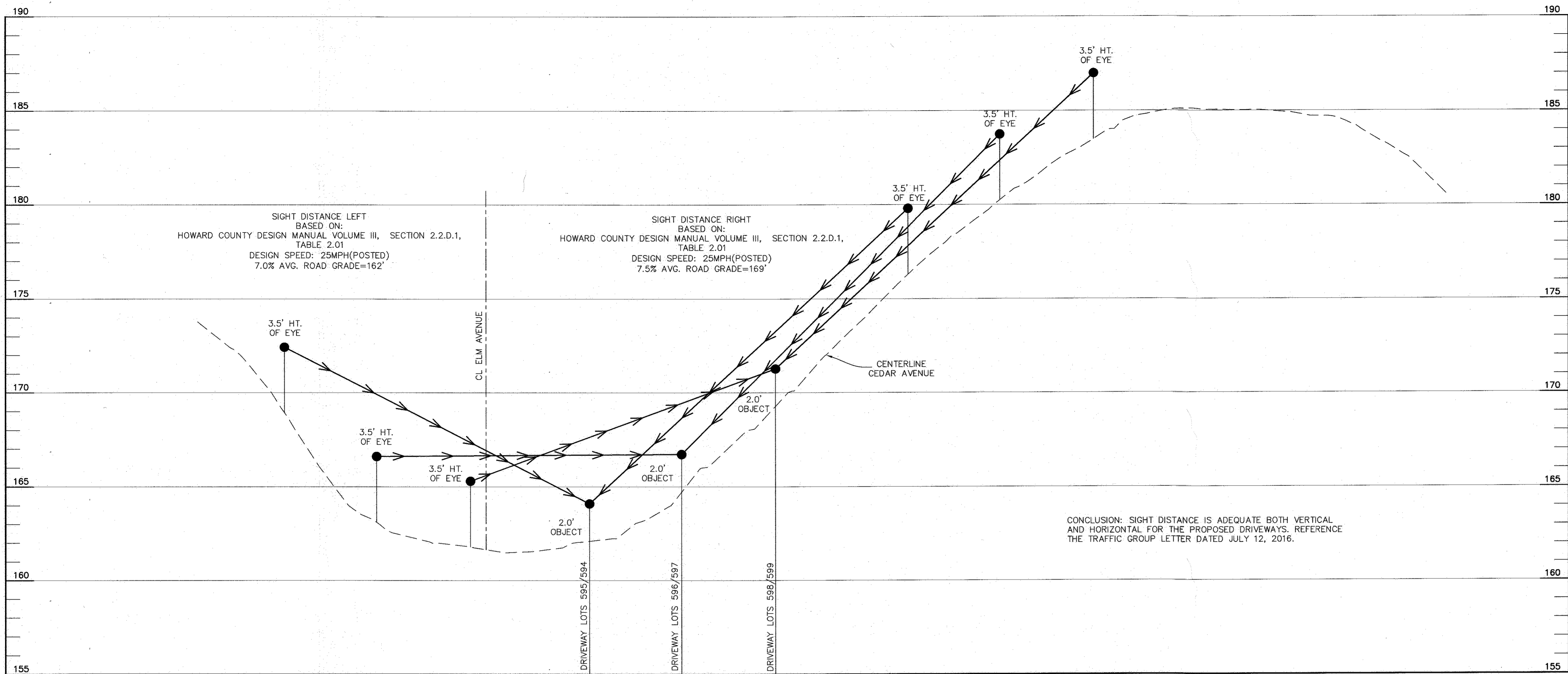
WAIVER PETITION EXHIBIT AND SIMPLIFIED ECP

OWNER: 7040 ELM AVENUE LLC, ELK RIDGE, MARYLAND 21075

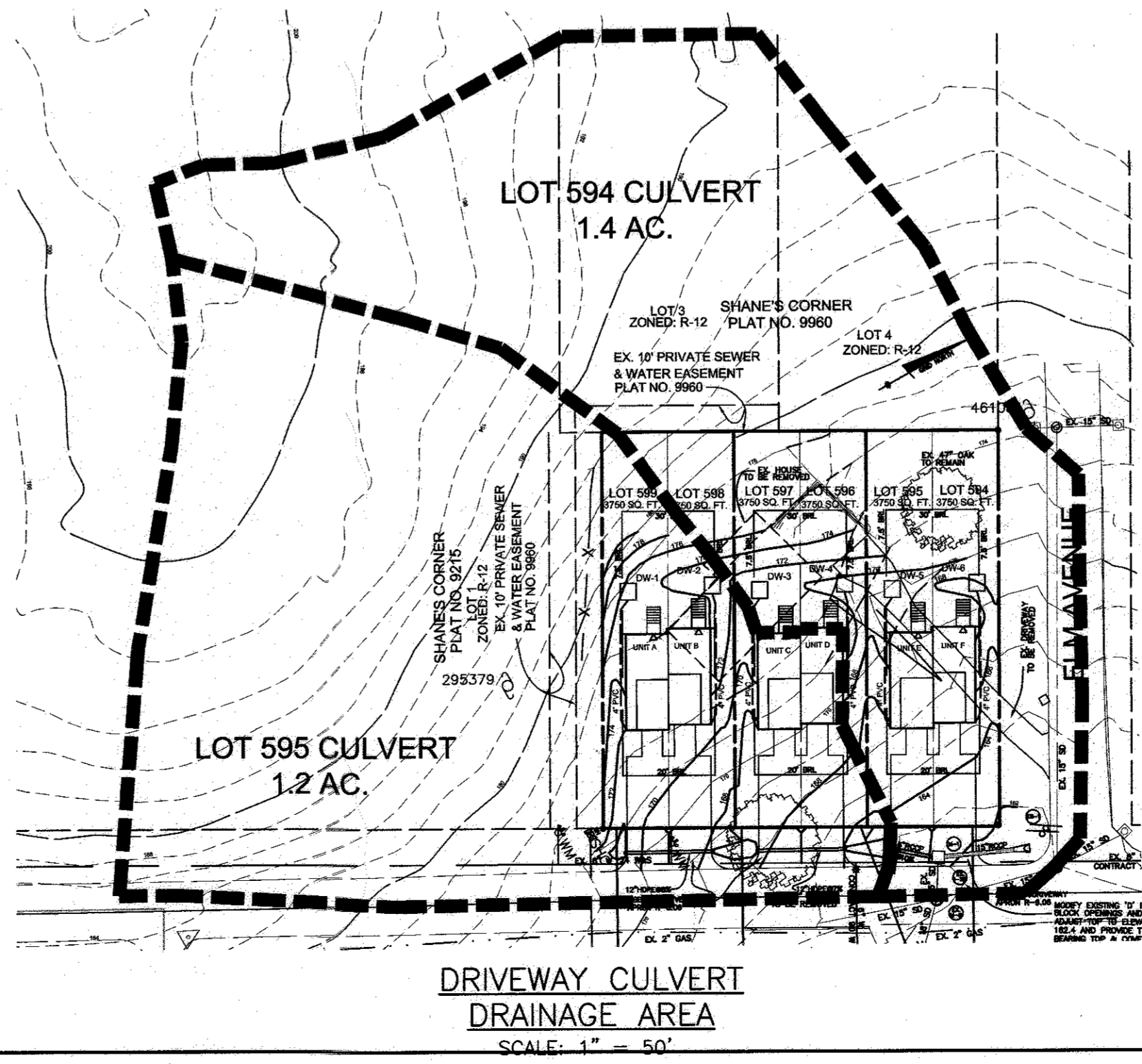
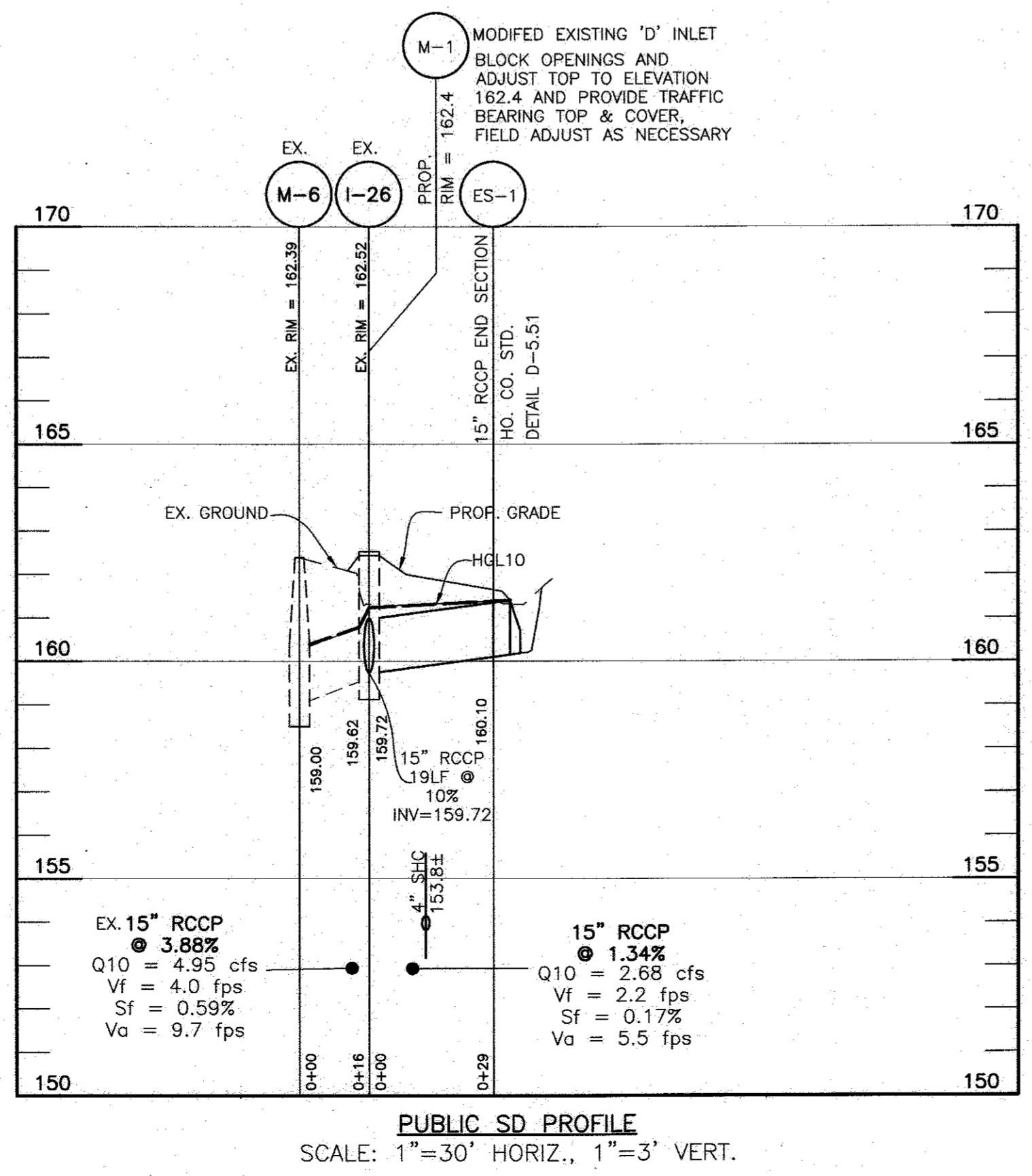
DEVELOPER: 7040 ELM AVENUE LLC, ELK RIDGE, MARYLAND 21075

DATE: NOVEMBER 2016 | BEI PROJECT NO. 2739

DESIGN: JCO | DRAFT: JCO | SCALE: AS SHOWN | SHEET 1 OF 2



STOPPING SIGHT DISTANCE EXHIBIT
SCALE: 1"=30' HORIZ., 1"=3' VERT.



APPROVED: HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

Kent Belcher
CHIEF, DIVISION OF LAND DEVELOPMENT
DATE: 11-14-16

Chad Clark
CHIEF, DEVELOPMENT ENGINEERING DIVISION
DATE: 11-10-16

Valerie Joffe
DIRECTOR
DATE: 11-15-16

NO. DATE REVISION		
OWNER: 7040 ELM AVENUE LLC ELKRIDGE, MARYLAND 21075		LENNOX PARK LOTS 594-599
DEVELOPER: 7040 ELM AVENUE LLC ELKRIDGE, MARYLAND 21075		TAX MAP: 43 - GRID: 06 - PARCEL: 343 ZONED: R-12 (RESIDENTIAL) ELECTION DISTRICT NO. 1 - HOWARD COUNTY, MARYLAND
WAIVER PETITION EXHIBIT AND SIMPLIFIED ECP		
DESIGN: JCO	DRAFT: JCO	DATE: NOVEMBER 2016 BEI PROJECT NO. 2739 SCALE: AS SHOWN SHEET 2 OF 2