



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 23, 2019

Nicholas Lally  
14830 Old Frederick Road  
Woodbine, MD 21797

RE: WP-20-006 Lally Property

Dear Mr. Lally:

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 16.147(a)**, **Section 16.120(b)(4)(iii)(b)** and **Section 16.1205(a)(7)**.

Approval is subject to the following conditions:

1. Approval for this Alternative Compliance request to Section 16.147(a) is for the reconfiguration of two adjoining deeded parcels under the same ownership as described in Liber 11589, Folio 271 dated March 13, 2009 and Liber 11589, Folio 280 dated March 13, 2009 per the alternative compliance plan exhibit. No other parcels are being endorsed and no other parcels will be created as part of this alternative compliance request.
2. An adjoiner deed must be recorded in Land Records within 90 days of approval of this alternative compliance request (**on or before December 22, 2019**). The adjoiner deed shall reference the 'WP-20-006' file number and shall include metes, bounds, bearings and distance information for all parcel lines. The two parcels reconfigured by deed shall comply with the 'RC-DEO' Zoning Regulations. Submit copies of the recorded adjoiner deed to DPZ within 30 days of recordation.
3. All existing structures must meet minimum setbacks from the proposed parcel lines per the Zoning Regulations or be removed prior to recordation of the adjoiner deed.
4. Forest conservation easements will not be permitted on Lot 1 due to the location of the existing pond and bamboo, as referenced in the Forest Stand Delineation plan and report dated December 2018.
5. The existing pond outfall structure and spring house will not be permitted within a forest conservation easement.
6. The existing overhead electric line must be removed from the proposed forest conservation easement areas prior to recordation of the plat.
7. A minimum of 80' shall be provided between the proposed forest conservation easements and any dwelling on the lots.
8. An Environmental Setback shall be established on the final plat as 35' from the stream buffer, wetland buffer, steep slopes, floodplain and any forest conservation easements on the proposed lots.

9. A minimum of 10' shall be provided between the proposed forest conservation easements and the well areas and sewage disposal areas.
10. The alternative compliance approval applies only to Specimen Trees #2 and #8 as shown on the alternative compliance plan exhibit. The removal of any other specimen tree on the property is not permitted under this approval. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Include details of the proposed tree protection measures on the Final subdivision plans.
11. The removal of Specimen Trees #2 and #8 will require the planting of four native shade trees onsite. The trees shall be a minimum of 3" caliper and shall be shown on the landscaping and forest conservation plan sheets as part of the future subdivision plans for Parcels 27A and 27B. The trees will be bonded with the required perimeter landscaping.
12. No grading, removal of vegetative cover or trees, paving and new structures will be permitted within the limits of 100-year floodplain, steep slopes, wetlands, streams or their required buffers in accordance with Section 16.116 of the Subdivision and Land Development Regulations.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The proposed lot layout was designed to allow for the preservation of the existing historic house, barn and environmental features, while also providing access to the lots from McCann Farm Road. Requiring the owner to follow the final subdivision plat process to adjust the common parcel line would create an extraordinary hardship and a practical difficulty because the parcel lines can be adjusted by recording an adjoiner deed. Both parcels will then be submitted as minor subdivisions and will follow the standard final plan and subdivision plat process. Due to the location of the existing environmental features and the required setbacks from the approved well and septic areas, two specimen trees must be removed to accommodate the proposed house locations. The existing environmental features will be located on two of the proposed lots. The lots are 3+ acres in size and are being designed to adequately protect the environmental features in the rear of the lots. Forest conservation easements (forest retention) are proposed to further protect the existing environmental features.

Not Detrimental to the Public Interest:

Allowing the applicant to record an adjoiner deed to revise the common parcel line will not be detrimental to the public interest because both parcels will ultimately be submitted for review and recorded on plats as part of the minor subdivision process. The removal of two specimen trees will be mitigated by planting 4 native shade trees onsite. The other 11 onsite specimen trees will be protected during construction. The environmental features located on the property will be protected in the rear of the proposed lots and will be placed within forest conservation easements.

Will Not Nullify the Intent or Purpose of the Regulations:

The reconfiguration of the two existing parcels will not nullify the intent or purpose of the regulations because it will allow Parcel 27B to gain public road frontage on McCann Farm Road and both parcels will then be submitted and recorded as minor subdivisions. The proposed subdivisions will preserve the historic house, barn and onsite environmental features. The two specimen trees proposed to be removed will be mitigated by planting 4 native shade trees onsite as part of the subdivision plans. The existing environmental features will be protected in the rear of the lots and will be placed in forest conservation easements. A 35' Environmental Setback will be recorded on the plats, which will provide an additional setback between the proposed houses and the forest conservation easements and environmental features.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats and building permits. This alternative compliance approval

will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
Mildenberg, Boender & Associates, Inc.  
Marian Honeczy, MD DNR  
Brenda Lubber, DPZ