



March 24, 2021

Speedfloor Mid Atlantic, LLC.
Attn: Tim Harman
7116 John Calvert Court
Elkridge, Maryland 21075

RE: WP-20-068 Arrington Manor, Lots 1-4 & Open
Space Lot 5

Dear Mr. Harman:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On March 18, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(ii)** of the Subdivision and Land Development Regulations for the removal of an existing abandoned driveway, culvert, and headwall within 75' of the perennial stream bank. Please see the attached Final Decision Action Report for more information.

On March 18, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove three (3) of the four (4) specimen trees onsite. Please see the attached Final Decision Action Report for more information.

Approval of this Alternative Compliance is subject to the following conditions:

1. Stream bank disturbance is limited to those areas shown on the Alternative Compliance exhibit for WP-20-068. Any proposal to impact additional areas of the stream bank buffer will require a new alternative compliance request or an amendment to this alternative compliance request.
2. The Alternative Compliance approval is limited to the removal of Specimen Trees #1-3 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
3. Specimen Tree #4 is required to be protected. Individual tree protective devices (tree fencing) shall be placed completely around Specimen Tree #4 prior to the commencement of any grading. Root pruning, as provided on Exhibit G-15 in the Forest Conservation Manual, may be needed.
4. A minimum of six (6), native 3" DBH, shade trees shall be provided as mitigation for the removal of the three (3) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

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 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. [OPTION - OR this requested alternative compliance will remain valid for the time period specified in the conditions of approval]

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/ktb

cc: Research [Section 16.1205(a)(3) - 4 tree req/ 3 tree app]
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
FCC



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

**ALTERNATIVE COMPLIANCE
FINAL DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-20-068 Arrington Manor, Lots 1-4 & Open Space Lot 5**
Request for an alternative compliance to Section 16.116(a)(2)(ii) and Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Speedfloor Mid Atlantic, LLC.
Attn: Tim Harman
7116 John Calvert Court
Elkridge, Maryland 21075

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(ii)** of the Subdivision and Land Development Regulations. The purpose is for the removal of an existing abandoned driveway, culvert, and headwall within 75' of the perennial stream bank.

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to all the removal of three (3) of the four (4) specimen trees onsite.

The Directors deliberated the application in a meeting on March 18, 2021.

Subtitle 1: Section 16.116(a)(2)(ii)

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.

The purpose of the disturbance into the stream bank buffer is for the removal of existing structures that are obstructing the flow of runoff to the stream located just offsite, to the northeast of the property. Allowing the applicant to remove these structures will help create a more natural flow pattern for the runoff and remove degraded structures from the site. As with surrounding properties to the proposed site, the properties need to be developed with the ability to handle the runoff that enters the property.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

The proposed site sits lower than existing single-family dwellings on the opposite site of Lawyer’s Hill Road. The topography of the area causes runoff from some adjoining lots to run across the roadway, then across the proposed development site, eventually making its way to the stream channel just offsite. The existing structures obstruct the flow of the runoff and their removal would improve the drainage of the area.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

Allowing the applicant to remove the existing, unnecessary structures will not confer a special privilege. The structures serve no purpose to the proposed development, nor the environmental features where they are currently located and removing them will provide improved flow to the existing stream.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

The requested variance will not be detrimental to the public, as the purpose of their removal will increase the drainage of the area. Allowing the applicant to remove the existing culvert, headwall, and driveway would increase the ability of the site to handle runoff from adjoining properties in a more natural process.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

The minor disturbance will remove structures that are no longer functional. The result will be that the area within the stream bank buffer can revert back to forest, instead of the current impervious surface that exists onsite.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

Approval of the request would remove existing impervious surfaces, which obstructs the current flow of runoff from neighboring properties. Eventually, the area will revert back to forest, which will improve the water quality for wildlife and vegetation in the area. After the structures are removed there will not be lasting adverse impacts to that area.

7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.

The applicant is requesting to only disturb 500 square feet of the stream bank buffer which is the minimum necessary to complete the work. The proposal to remove the structures will decrease the amount of impervious surface within the buffer and increase the drainage of the area for the surrounding runoff the property will handle.

Directors Action: Approval of alternative compliance is subject to the following conditions:

- 1. Stream bank disturbance is limited to those areas shown on the Alternative Compliance exhibit for WP-20-068. Any proposal to impact additional areas of stream bank buffer will require a new alternative compliance request or an amendment to this alternative compliance request.

DocuSigned by:
Amy Gowan
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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:
Thomas Meunier
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Thomas Meunier, Director
Department of Public Works

DocuSigned by:
Joshua Feldmark
3241B974513F4B7
Joshua Feldmark, Administrator
Office of Community Sustainability

Subtitle 12: Section 16.1205(a)(3)

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

There are four specimen trees onsite of the property which is proposed to be developed. Three of the four trees are located within the main area of the proposed buildable lots. The building area is reduced onsite due to the northeastern portion of the property being encumbered with environmental features, which will be placed into Open Space Lot 5. Of all the specimen trees onsite, only Specimen Tree #4 is native, as well as in good condition. A substantial portion of its critical root zone (CRZ) is within the buildable area for Lot 4, however impacts to the CRZ should be less than 70% based on the proposed site plan.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

Specimen Trees #1 - #3 are located within the center of the property and the area of their CRZ takes up a majority of the developable area on site. Full enforcement of the regulations would deprive the owner the ability to subdivide this site into parcels of the same general size and layout as the rest of the neighborhood. To best meet the regulations on this site, the applicant has provided an alternative layout which allows for the development of four lots, with the retention of Specimen Tree #4, which is native and in good condition, and close to the environmental features. Retention of Specimen Tree #4 will still allow for the applicant develop of the majority of the site.

3. Verify that the granting of a variance will not adversely affect water quality.

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management, soil erosion, and sediment control measures will be implemented under the grading permit.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of this variance will provide the applicant with the ability to subdivide properties which are similar in size and configuration to the lots of the surrounding area. The layout is similar to the surrounding neighborhood as the homes on Lots 1, 2, and 4 will be facing the road, and the house on Lot 3 will be meeting the Subdivision regulations by facing in towards the side of the adjacent home with the side of the building towards the street. This proposed site plan would retain Specimen Tree #4 while still maintaining the character of the surrounding neighborhood from the street.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

Specimen Trees #1-3 are centrally located within the developable area of the site. The applicant would not be allowed reasonable use of the property should Specimen Trees #1-3 remain.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that these conditions arose from a condition relating to land or building use by a neighboring property. The conditions are a result from the uniqueness of the environmental features onsite.

7. Provide any other information appropriate to support the request.

The applicant has provided an alternative design for the development of this property. The alternative design will save Specimen Tree #4, while best matching the character of the surrounding developed neighborhood. The proposed work to remove the existing culvert, head wall, and driveway has been determined to not cause major

impact to the CRZ of this specimen tree. The alternative design will also place the tree within the open space lot and the forest conservation easement for long term preservation beyond the release of the bonds for development.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The Alternative Compliance approval is limited to the removal of Specimen Trees #1-3 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. Specimen Tree #4 is required to be protected. Individual tree protective devices (tree fencing) shall be placed completely around Specimen Tree #4 prior to the commencement of any grading. Root pruning, as provided as Exhibit G-15 in the Forest Conservation Manual, may be needed.
3. A minimum of six (6), native 3" DBH, shade trees shall be provided as mitigation for the removal of the three (3) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delorme

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Raul Delorme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F487...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delorme
DPW, Thomas Meunier



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No. *WP-20-068*

Date Filed *3/24/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Arrington Manor, Lots 1-4, Open Space Lot 5
Subdivision Name/Property Identification: Tax map 38, Grid 02, Parcel 19
Location of property: 6474, 6478, 6482 & 6486 Old Lawyers Hill Road
Existing Use: Vacant Parcel **Proposed Use:** Residential
Tax Map: 38 **Grid:** 02 **Parcel No:** 19 **Election District:** First
Zoning District: One (1) **Total site area:** 2.14 Ac. +/-

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

The site was a vacant parcel owned by Maryland State Roads Commission and shown on SRC Plat #60561, ECP-19-047

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request.

Section Reference No.	Brief Summary of Request
16.127.(c)(4)(i)	Requesting to utilize two shared use-in-common driveways where one common driveway is required.
16.1205.(a)(7)	Removal of four specimen trees is proposed, two of which are noted as in fair and poor condition.
16.116.(a)(2)(ii)	Removal of an abandoned old existing driveway, culvert, and headwall within seventy-five feet of a perennial stream bank

Signature of Property Owner: *Tim Harman* **Date:** 3/3/20

Signature of Petitioner Preparer: *Stephanie Smith* **Date:** 3/19/20

Name of Property Owner: Speedfloor Mid Atlantic LLC **Name of Petition Preparer:** Fisher, Collins & Carter, Inc.

Address: 7116 John Calvert Court **Address:** 10272 Baltimore National Pike

City, State, Zip: Elkridge, MD 21075 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: Tharman@hefferandweber.com **E-Mail:** todd.hill@fcc-eng.com

Phone No.: 410 **Phone No.:** 410-461-2855

Contact Person: Tim Harman **Contact Person:** Todd M. Hill

Owner's Authorization Attached



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 5, 2020

Speedfloor Mid-Atlantic LLC
c/o Timothy Harman
7116 John Calvert Court
Elkridge, Maryland 21075

RE: WP-20-068 Arrington Manor (ECP-19-047)
Deferral – New Application Required

Dear Mr. Harman:

Please be advised that Council Bill (CB) 61-2019 and CB-62-2019, effective February 5, 2020, established new review and approval criteria for alternative compliance petitions submitted for relief of the Subdivision and Land Development Regulations and Forest Conservation Regulations.

After review of your alternative compliance petition, the Department of Planning and Zoning has determined that the above referenced project does not meet the grandfathering requirements established in Section 16.102(h) of the Subdivision and Land Development Regulations and the petition must be resubmitted under the new review and approval criteria outlined in CB-61-2019 and CB-62-2019.

Please follow this link to the application and instructions for submittal: <https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Application-Forms-and-Fees> Two copies of the new application, supplemental information and exhibit/plan are required for the resubmission. No additional fees will be charged, unless additional sections are added to the petition request.

The requested new application and required supporting documentation must be submitted to this Division within **45 days** of the date of this letter (**on or before March 21, 2020**), or this Division will recommend that the Planning Director deny this alternative compliance petition.

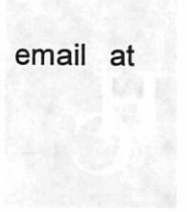
Please contact Judy Edwards at 410-313-4351 or email juedwards@howardcountymd.gov to schedule a submission appointment.

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. Be advised that alternative compliance requests to 16.116 and 16.1200 also require joint agency action.

If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans/information. Compliance with all items indicated above is required before the revised plans/information will be accepted.

Please bring a copy of this letter with you to your submission appointment.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.



Sincerely,

Jill Marion, Acting Chief
Division of Land Development

JM/ktb
cc: Research
Real Estate Services
FCC
Caitlin Reyna – starofaragon@gmail.com