



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

July 23, 2021

Kevin & Elizabeth Geier
3902 Chatham Road
Ellicott City, MD 21042

RE: WP-20-116 Geier Subdivision

Dear Mr. & Mrs. Geier:

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 July 15, 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)(1)** of the Subdivision and Land Development Regulations to allow grading within the 25' wetland buffer for the construction of a new single-family detached dwelling and associated improvements on an existing lot. Please see the attached Final Decision Action Report for more information.

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.

If you have any questions, please contact Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/JS

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
MBA



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-20-116 Geier Subdivision**
Request for an alternative compliance to Section 16.116(a)(1) of the Subdivision and Land Development Regulations.

Applicant: Kevin and Elizabeth Geier
3902 Chatham Road
Ellicott City, MD 21042

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)(1)** of the Subdivision and Land Development Regulations. The purpose is to allow grading within the 25' wetland buffer for the construction of a new single-family detached dwelling and associated improvements on an existing lot. The Directors deliberated the application in a meeting on July 15, 2021.

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 others in similar areas.

The wetland and associated 25' buffer are situated along the western boundary of the property and encumber roughly half of the lot. The proposed house is setback similar to the surrounding lots and is shifted as close to the eastern and northern property lines as allowed by the approved administrative adjustment (AA-20-016). In the original development proposal, the driveway, stormwater management facilities, and dwelling were within the wetland and 25' buffer. The applicant redesigned the project to shift the lot line between Lots 2 & 3 to completely remove the proposed dwelling and driveway from within the wetland buffer; however, disturbance to the wetland buffer for grading within the LOD to construction the home and stormwater management is unavoidable. The applicant has demonstrated that no other feasible alternative exists and strict conformance with the requirements would deprive the applicant the right to build on a legally created lot, a right commonly enjoyed by others in the County.

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

Since roughly half of the lot is encumbered with wetland and 25' buffer, this presents a unique situation and the owner would experience an unreasonable hardship if the grading for the construction of the dwelling and associated stormwater management practices are not permitted in the wetland buffer.

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

Approval of this alternative compliance request would not grant a special privilege that would be denied to other applicants. Lot 3 was legally created in 2016 as a buildable lot for a single-family detached house. Building on a legally created lot is not a special privilege that would be denied to others.

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

The approval of this alternative compliance request would not be detrimental to the public health, safety or welfare, or injurious to other properties since all similar lots have been developed with single-family detached houses in this area. This proposal also provides stormwater management for the 24-hour, 10-year storm events and 24-hour, 100-year storm events as well as 3.55-hour, 6.6-inch storm events.

5. Disturbance is returned to its natural condition to the greatest extent possible.

The majority of the LOD area is currently maintained lawn with some lawn debris and a few existing trees. The construction of the dwelling will result in the minimum amount of grading within the wetland buffer possible and no grading within the wetland. The disturbance will result in an underground stormwater storage tank and replanted lawn which will return the area back to its natural condition, to the greatest extent possible.

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

There is no evidence that this project will adversely impact water quality and fish, wildlife, and vegetative habitat. This proposal would result in providing stormwater management for the 24-hour, 10-year storm events and 24-hour, 100-year storm events as well as 3.55-hour, 6.6-inch storm events which would improve water quality. The disturbed area will be returned to planted lawn which would restore the vegetative habitat to the greatest extent possible.

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 grading and removal of vegetative cover within the wetland buffer is required in order to provide the proper stormwater management practices for the proposed dwelling, allow for a usable back yard along with adhering to the setbacks set forth by AA-20-016 and providing an adequate driveway and turnaround. Due to the topography of the lot, this design will accommodate the necessary improvements with the minimum amount of disturbance to the wetland buffer as possible.

Directors Action: Approval of alternative compliance of Section 16.116(a)(1) is subject to the following conditions:

1. An Originals Only plat needs to be submitted for review to the Division of Land Development to show the lot line adjustment and to delineate the wetland boundary and associated 25' buffer. The plat must be recorded prior to signature approval of SDP-18-062.

2. SDP-18-062 must be resubmitted for review to show the lot line adjustment and the LOD as shown on the alternative compliance exhibit. No additional disturbance is permitted within the 25' wetland buffer.
3. Grading within the 25' wetland buffer shall only be the minimum necessary to accommodate the construction. The disturbed area shall be returned to its natural condition to the greatest extent possible.
4. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits, the 'R-20' Zoning Regulation requirements, including the Decision and Order for AA-20-016) and the Subdivision and Land Development Regulations.
5. The property is in the Plumtree Branch watershed and shall be required to provide peak management flow control for 24-hour, 10-year storm events and 24-hour, 100-year storm events as well as 3.55-hour, 6.6-inch storm events.

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

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
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.
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 3 lot subdivision on Dunloggin and Chatham

Subdivision Name/Property Identification: GEIER subdivision

Location of property: 3902 CHATHAM RD, ELLICOTT CITY, MD 21042

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 24 **Grid:** 16 **Parcel No:** 935,598 **Election District:** second

Zoning District: R-20 **Total site area:** 1.83

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:

F-12-017, ECP-12-005 4, SDP-18-065

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. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Sec. 16.116.(a)(1)	Lot 3 was recorded under F-12-017 under plat no. 23589 on 01/15/2016. At the time of the subdivision no wetlands were present as per the delineation done by KCE. Under SDP-18-065 DPZ reviewers determined the presence of wetlands. a new delineation was conducted and confirmed the presence of wetlands. the applicant requests that grading in the wetlands and their buffers is permitted.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Kevin J Geier* Date: *6-4-2020*
Eizabeth P Geier Date: *6-4-2020*

Signature of Petitioner Preparer: ~~_____~~ Date: *6.8.2020*

Name of Property Owner: KEVIN J. GEIER ELEZABITH P. GEIER	Name of Petition Preparer: Mildenberg Boender
Address: 3902 CHATHAM RD	Address: 7350 B Grace Drive
City, State, Zip: ELLICOTT CITY, MD 21042	City, State, Zip: Columbia, Maryland 21044
E-Mail: kevin.geier@verizon.net	E-Mail: salomer@mba-eng.com
Phone No.: (410) 750-0175	Phone No.: 410.997.0296
Contact Person: KEVIN J. GEIER	Contact Person: Sam Alomer

Owner's Authorization Attached