



# 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 12, 2021

Jon Lawrence  
Team Dorsey, LLC  
PO Box 11105  
McLean, VA 22102

RE: WP-21-058 Phippen Property

Dear Mr. Lawrence:

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 February 11, 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 two specimen trees. Please see the attached Final Decision Action Report for more information.

On February 10, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.156(o)(1)(i)** of the Subdivision and Land Development Regulations to reactivate Site Development Plan SDP-10-030.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.156(o)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

**1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

The alternative compliance petition seeks to reactivate the previously approved mass-grading plan, which will facilitate the completion of the forest conservation requirements. The original developer did not apply for permits within the required time period and approval of the site development plan expired. The new owners intend to complete the previously approved grading and forest conservation requirements while concurrently processing new ECPs and SDPs for the parcels. These updated plans will include further development of the SWM facilities for the specified uses to meet current regulation. Strict compliance with the regulations would require the owners to submit a new site development plan for the mass grading and forest conservation planting. The Subdivision Review Committee agencies have reviewed the petition and are in favor of reactivating SDP-10-030 and approval of the alternative compliance promotes efficiency of the plan review process.


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

1. The petitioner shall coordinate with the Department of Public Works- Real Estate Services Division to execute the Developer Agreements for SDP-10-030 within 120 days from the approval of this alternative compliance petition (on or before June 12, 2021). The Site Development Plans for the proposed development on Parcels 108-A and 108-B will not receive final signature approval until the Developer Agreements for SDP-10-030 have been executed.
2. The petitioner shall coordinate with the Department of Public Works- Real Estate Services Division to assume the responsibilities of the SDP-10-030 Forest Conservation Agreement within 120 days from the approval of this alternative compliance petition (on or before June 12, 2021). The petitioner shall complete the required reforestation plantings and signage as approved on the SDP-10-030 Forest Conservation Plan.
3. The petitioner must apply to the Department of Inspections, Licenses & Permits for grading permits to initiate the mass-grading of Parcels 108-A and 108-B within 1 year from the approval of this alternative compliance petition (on or before February 12, 2022).
4. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses & Permits and the Soil Conservation District.

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

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

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

cc: Research, *Section 16.1205(a)(3) - 2 tree req/ 2 tree app*  
DED  
DLD - Julia Sauer  
Real Estate Services  
Marian Honeczy- DNR



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Amy Gowan, Director

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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-21-058 Phippen Property**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Jon Lawrence  
Team Dorsey, LLC  
PO Box 11105  
McLean, VA 22102

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 remove two specimen trees for the construction of a tractor trailer parking and storage lot. The Directors deliberated the application in a meeting on February 11, 2021.

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 following 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.**  
Parcel 108 was bisected by the construction of Dorsey Run Road, which created two triangular-shaped parcels from the original rectangular-shaped property. The public road further constrained the site by establishing vertical grades which created access issues and establishing a 50' building and use setback and a 30' parking setback from the roadway. A stream and wetland system exist on the western portion of the parcel, which are protected within an existing forest conservation easement. Two of the 8 specimen trees on Parcel 108-A are located within the developable area of the property. Tree #5 is central to the site and Tree #4 is located within a proposed stormwater management facility. The remaining 6 specimen trees are protected within the forest conservation easement. Granting of the alternative compliance will allow reasonable development of the parcel.
- 2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**  
Developments in industrial zones typically require flat open areas for uses such as warehouses, contractor facilities, outdoor storage, etc. This requires extensive grading and removal of vegetation to construct flat open areas. Two of the 8 specimen trees are located within the developable area of Parcel 108-A and are proposed for

removal to accommodate a tractor trailer parking and storage lot. Strict enforcement of the regulations would deprive the landowner of reasonably developing the site for the intended industrial use.

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

The tractor trailer parking and storage lot project will be required to address both 100-year stormwater detention and Environmental Site Design requirements, since the site is located within the Dorsey Run watershed. The project will be required to comply with all current regulations for sediment and erosion control.

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

The environmental features on Parcel 108-A have been protected within a forest conservation easement along with 6 of the 8 specimen trees onsite. Only two of the 8 specimen trees are located within the developable area of the parcel. The granting of alternative compliance will not confer on the applicant a special privilege that would be denied to other applicants since industrial zoned sites typically require extensive grading and clearing to accommodate their intended uses.

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

The alternative compliance request is not based on conditions which are the result of actions by the applicant. The parcel is constrained due to the environmental features and the construction of Dorsey Run Road through what was the original rectilinear parcel resulting in two triangular-shaped parcels from the original rectangular-shaped property.

**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 the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

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

1. The alternative compliance approval applies only to Specimen Trees #4 and #5 as shown on the alternative compliance specimen tree assessment. The removal of any other specimen tree on the subject 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 site development plans.
2. The removal of Specimen Trees #4 and #5 will require the planting of four native shade trees on Parcel 108-A. The trees shall be a minimum of 3" caliper and shall be shown on the site development plan for the proposed tractor trailer parking and storage lot on Parcel 108-A. The trees will be bonded along with the required landscaping.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delerme*

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Raul Delerme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
DED  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
Vogel Engineering + Timmons



## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** Phippen Property

**Subdivision Name/Property Identification:** Jessup Park, Tax Map 43, Parcels 108-A and 108-B

**Location of property:** Dorsey Run Road

**Existing Use:** Vacant/Forest Con      **Proposed Use:** Storage Lot/Forest Con

**Tax Map:** 43      **Grid:** 22      **Parcel No:** 108-A & 108-B      **Election District:** 2nd

**Zoning District:** M-2      **Total site area:** 8.87 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:**

SDP-10-030 SDP for Grading and Forest Conservation  
 SDP-10-030 (FC) Plat to Establish Forest Conservation Easement  
 ECP-20-019 P. 108-A  
 ECP-19-070 P. 108-B  
 SDP-20-030 P. 108-B  
 BA-19-024-V - Variance P. 108-B  
 BA-19-043-V - Variance P. 108-A

**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
16.156	Procedures for Filing and Processing Site Development Plan Applications



Section Reference No.	Brief Summary of Request

Signature of Property Owner:

*Jon Lawrence*

Date:

8/27/20

Signature of Petitioner Preparer:

*Robert H. Vogel*

Date:

8/20/20

Name of Property Owner: Team Dorsey, LLC

Name of Petition Preparer: Vogel Engineering + Timmons Group

Address: PO Box 11105

Address: 3300 North Ridge Road., Suite 110

City, State, Zip: McLean, VA 22102

City, State, Zip: Ellicott City, Maryland 21043

E-Mail:

[Redacted]

E-Mail: communitymeetings@timmons.com

Phone No.: 703-847-2787

Phone No.: 410-461-7666

Contact Person: Jon Lawrence

Contact Person: Robert H. Vogel

Owner's Authorization Attached