



# 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

August 25, 2021

James C. Foster  
1824 S Charles St  
Baltimore, MD 21230

RE: WP-21-137, Badart Subdivision

Dear Applicant:

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 August 23, 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 16.119(g)** of the Subdivision and Land Development Regulations to retain the existing building on site through road dedication.

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

The existing structure was constructed in 1938 which predates the current code. It was determined to be legally nonconforming by Zoning Staff in correspondence dated September 26, 2019, as the home does not comply with the existing setback requirements. The proposed subdivision will require roadway dedication per section 16.119(g) which will place the new property boundary in conflict with the existing building. The applicant wishes to keep the existing multi-family with the proposed subdivision. Requiring the roadway dedication at this time would force the removal of the existing, legally established structure. Alternatively, a land reservation along the Waterloo Road property frontage could be used allowing for the proposed bike path and pedestrian improvements to be implemented without the full right-of-way dedication to occur. The land reservation would specify the existing building must be removed and the required right of way area to be dedicated if any improvements requested beyond this project proposal are required.

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.

The proposed new lots are located to the rear of the property to avoid the existing specimen tree on site and retain the existing residential structure. The proposed subdivision triggers the road dedication and creates the conflict with the existing house location per the regulations. The ability to subdivide the remainder of the property is inhibited by the placement of the existing house which was constructed prior to the current Zoning and Subdivision and Land Development regulations. Proposed pedestrian and bicycle improvements can be accomplished with the proposed land reservation and easement while permitting the existing structure to remain. Strict adherence to the regulations would require the existing residential structure to be removed in order to provide the required right-of-way which represents an unreasonable hardship.

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

This variance will not confer to the applicant a special privilege that would be denied to other applicants. The existing dwelling was established as an existing non-conforming use and the apartment use was reviewed by Zoning staff and approved on September 26, 2019. The applicant wishes to subdivide his property and retain the existing onsite dwelling. Approval of the alternative compliance request with the condition of the land reservation will allow the applicant to proceed with the subdivision, retention of the existing dwelling, and provide for the requested pedestrian and bicycle improvements through the land reservation.

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

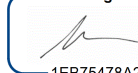
There is no evidence that the modification will be detrimental to the public health, safety, or welfare or injurious to other properties. The existing house shall remain with the access to Waterloo Road being in the same location. A land reservation is being requested which would reserve room to provide bicycle lane and pedestrian sidewalk along Waterloo Road on the western edge of the property in order to improve public safety. The remainder of the development would not be detrimental to the public health, or injurious to other properties as the future the subdivision would be constructed in conformance with the Regulations.

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

1. The developer will reserve the required roadway dedication area the length of the property along the Waterloo Road roadway frontage parallel to the travel lanes. An easement will be placed over the area reserving the area. The purpose of the protected strip will be to ensure there is enough space for possible bicycle and/or pedestrian improvements in the future.
2. Future subdivision, redevelopment, or additional uses added to the entrance on Waterloo Road will require reconstruction of the Waterloo Roadway access to the current standards. Review and permitting will be required by Maryland Department of Transportation State Highway Administration.
3. Approval is subject to a right of way reservation to meet the SHA standards.
4. Compliance with the SRC plan review comments for the Environmental Concept Plan, ECP-18-056.
5. Include the alternative compliance request number, status, and any conditions imposed on all future associated plans.

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 Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,  
DocuSigned by:  
  
1EB75478A22B49A...  
Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/NH  
cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
Kimley-Horn and Associates



DPZ Office Use only:
File No.
Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 6205 Waterloo Road - Badart Subdivision

**Subdivision Name/Property Identification:** Badart Subdivision

**Location of property:** 6205 Waterloo Road, Ellicott City, MD 21043

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

**Tax Map:** 37      **Grid:** 14      **Parcel No:** 122      **Election District:** 2

**Zoning District:** R-SC      **Total site area:** 0.75 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:

Existing building on site was built in 1938. An ECP Plan for the project was submitted on 06/17/2020. A non-conforming use petition was submitted on 02/12/2019.

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
<del>16-104 a.1.ii</del> 16.119(g)	Since the zoning code has been amended since the construction of the existing building on site, the existing building does not comply with the current code's future right-of-way dedication of Waterloo Road and does not conform with the current permitted uses or front yard setback requirements set forth by zone R-SC. The uniqueness of the existing building would result in unreasonable hardship from strict adherence to these regulations.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted] Date: [Redacted]

Signature of Petitioner Preparer: *Keith Koscher* [Redacted] Date: 05/07/2021

Name of Property Owner: James C. Foster Name of Petition Preparer: Kimley-Horn and Associates, Inc.

Address: 1824 S Charles St Address: 1801 Porter Street, Suite 401

City, State, Zip: Baltimore, MD 21230 City, State, Zip: Baltimore, MD 21230

E-Mail: foster@zerofox.com E-Mail: Keith.Koscher@Kimley-Horn.com

Phone No.: [Redacted] Phone No.: 443-743-3470

Contact Person: James C. Foster Contact Person: Keith Koscher

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request