



# 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

March 10, 2022

**James and Regina Asher**  
**3200 Pfefferkorn Road**  
**West Friendship, MD 21737**

RE: WP-22-029, Asher Property

Dear Mr. and Mrs. Asher:

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 3, 2022 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)(iii)** of the Subdivision and Land Development Regulations to remove the existing dwelling and rebuild a new home over the existing foundation. Please see the attached Final Decision Action Report for more information.


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

1. Disturbance should be only for the minimum necessary to construct the driveway, bio-retention area, utility upgrades, and the necessary grading shown in the limits of disturbance on the exhibit.
2. All disturbances on site within the limits of disturbance must be fully contained and stabilized after the proposed improvements.
3. Written verification needs to be provided from the Department of Fire and Rescue Services that the property and driveway has been evaluated and the proposed access to the house has been approved.
4. The grading, disturbance, and construction should be to the minimum amount necessary to construct the required SWM, driveway and utility infrastructure.
5. Include this alternative compliance number, description, result, and any conditions in general notes on the SDP and any subsequent 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:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/NH

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
FCC



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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-22-029 Asher Property**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** James and Regina Asher  
3200 Pfefferkorn Road  
West Friendship, MD 21737

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)(iii)** of the Subdivision and Land Development Regulations. The purpose is to remove the existing dwelling and rebuild a new home over the existing foundation. The Directors deliberated the application in a meeting on March 3, 2022.

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 applicant is proposing to build a new home in the same location as the existing house to be removed. The proposed updates will require additional paving, SWM, and utility updates on the property. The updates will encroach into the existing stream buffer due to the existing grades and site conditions. The applicant wishes to reuse a portion of the existing driveway and rebuild within the existing house location in order to minimize disturbance of the existing environmental areas of the site. The required stormwater management, septic lines, and necessary home site grading have been reduced to the minimum size necessary to support the new home.

**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 environmental areas located on site divide the parcel. These existing environmental and grade conditions create a very narrow development area for the proposed improvements. Proposing the new home in the same location as the existing has minimized site work to the greatest extent possible and the stormwater management, septic lines, and necessary grading are required for the propose construction. The conditions on site create practical difficulties with the design by significantly reducing

the available land for construction which would not have any impacts to the environmental features. The uniqueness of the property results in a practical difficulty in adhering to the regulations.

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

The location of the home on this portion of the site is intended to reduce the overall impacts the construction would have to the existing environmental features. The variance provides limited relief from the regulations in order to rebuild a new home within in the already disturbed area of the site and accommodate for the required infrastructure. The lot is a legal buildable parcel and without a variance would not otherwise be afforded that right, which is not a special privilege.

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

The proposed site improvements are required for the proposed new dwelling. All work performed on site is to be stabilized upon work completion and returned to a vegetated state. The nature of the improvements and work should not negatively impact public health, safety, welfare and should not be injurious to other properties.

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

The proposed property updates will require additional paving, SWM, and utility updates on the property that will encroach into the existing stream buffer due to the existing grades and site conditions. The disturbances proposed are minimized to the extent possible and the disturbed area will be stabilized and the natural condition reestablished once construction has been completed.

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

The proposed limit of disturbance, as shown on the submitted exhibit, is the minimum necessary to complete the improvements. Any and all proposed disturbances within the limits of disturbance and scope of work must be fully contained and the area re-stabilized after the proposed improvements have been installed. A portion of the impact is due to the location of the micro-bioretenion facilities needed for the proposed work. These facilities are intended to have a positive impact on water quality and the environment.

**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 proposed design and site improvements seek to utilize the existing house location and existing driveway location and infrastructure. The required stormwater management, septic lines, and necessary grading disturbances are considered essential for the viability of a residential use on the site. The new driveway paving will tie the new home into the existing driveway keeping disturbances to the minimum and avoid additional stream crossing disturbances. All work areas will be stabilized upon completion of the updates to protect the integrity of the remaining environmental resources.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2)(iii) is subject to the following conditions:

1. Disturbance should be only for the minimum necessary to construct the driveway, bio-retention area, utility upgrades, and the necessary grading shown in the limits of disturbance on the exhibit.
2. All disturbances on site within the limits of disturbance must be fully contained and stabilized after the proposed improvements.
3. Written verification needs to be provided from the Department of Fire and Rescue Services that the property and driveway has been evaluated and the proposed access to the house has been approved.
4. The grading, disturbance, and construction should be to the minimum amount necessary to construct the required SWM, driveway and utility infrastructure.

- 5. Include this alternative compliance number, description, result, and any conditions in general notes on the SDP and any subsequent plans.

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

cc: Research  
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. *WP-22-029*  
 Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 3200 PFEFFERKORN ROAD

**Subdivision Name/Property Identification:** ASHER PROPERTY

**Location of property:** 3200 PFEFFERKORN ROAD

**Existing Use:** VACANT      **Proposed Use:** RESIDENTIAL

**Tax Map:** 22      **Grid:** 01      **Parcel No:** 177      **Election District:** THIRD

**Zoning District:** RR-DEO      **Total site area:** 18.70 ACRES

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:

[Redacted area for previous plans]

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   |
|-----------------------|--|
| 16.116(a)(2)(iii)     | a) Streams and Wetlands:<br>(2) Grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within:<br>(iii) One hundred feet of a perennial stream bank for Use III and IV streams; |
| [Redacted]            | [Redacted]   |



| Section Reference No. | Brief Summary of Request |
|-----------------------|--------------------------|
|                       |                          |
|                       |                          |
|                       |                          |

Signature of Property Owner: *Regina M Asher* Date: *Sept. 21, 2021*

Signature of Petitioner Preparer: *Paul G. Cavanaugh* Date: *Sept. 21, 2021*

Name of Property Owner: JAMES ASHER Name of Petition Preparer: FISHER, COLLINS, & CARTER, INC.

Address: 3217 ROSCOMMON DR Address: 10272 BALTIMORE NATIONAL PIKE

City, State, Zip: GLENELG, MD 21737 City, State, Zip: ELLICOTT CITY, MD 21042

E-Mail: E-Mail: PaulC@fcc-eng.com

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

Contact Person: JAMES ASHER Contact Person: PAUL G. CAVANAUGH, P.E.

Owner's Authorization Attached