



# 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 9, 2022

The Mygrant Living Trust  
c/o Imagine Development Associates  
attn: Jeremy Jensen  
2007 McClelland Street  
Salt Lake City UT 84105

RE: **WP-22-069 6620 Amberton Drive** (Route 100 Business Park, Parcel D-1)

Dear Mr. Jensen:

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(b)(1)(i)** of the Subdivision and Land Development Regulations. The purpose of this request is to disturb 17,011 SF of 25% or greater steep slopes to construct a series of retaining walls and parking and for the construction of a portion of a warehouse building expansion, including the installation of a roof leader and stormwater management facility.

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 the 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 the site development plan is being actively processed in accordance with the processing provisions of the Regulations.

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

Sincerely,

DocuSigned by:

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/dj

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
DDC – Andrew Stine



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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-22-069 6620 Amberton Drive** (Route 100 Business Park, Parcel D-1)  
*Request for an alternative compliance to Section 16.116(b)(1)(i) of the Subdivision and Land Development Regulations.*

**Applicant:** The Mygrant Living Trust c/o Imagine Development Associates

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 applicant's request for an alternative compliance with respect to **Section 16.116(b)(1)(i)** of the Subdivision and Land Development Regulations. The purpose is to disturb 17,011 SF of 25% or greater steep slopes located on the north and northwest side of the site. The steep slope disturbance is on-site grading activities for the construction of a series of retaining walls and parking adjacent to Amberton Drive and for the construction of a portion of a warehouse building expansion, the installation of a roof leader and a small stormwater management facility. The Directors deliberated the application 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 rights commonly enjoyed by others in similar areas.**

The site is a 5.04-acre parcel situated in an existing commercial/industrial subdivision. It is improved with a 1-story, 56,500 SF warehouse building, surface parking and a stormwater management facility. The building fronts to the east on Amberton Drive and is accessed by a shared driveway to the south. Along the northern parcel boundary there are 0.57 acres of 25% or greater steep slopes. There is a grassed area north of the existing building that was previously graded during the initial development of the property to accommodate a future building expansion. The existing steep slopes were, in part, created at that time. Strict conformance with the requirements will deprive the applicant the ability to expand the use on site that was previously proposed on an approved site development plan (SDP-80-044) for the same location and meet current truck maneuvering and parking for the site.

**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 existing steep slopes were man-made as a result of previous development activity on the site approved under site plan SDP-80-044; the steep slopes did not occur naturally. As part of that SDP, a future 30,000 SF warehouse building expansion was approved that included grading to the steep slope area that is the subject of

this request. The proposed parking associated with the addition is placed to allow for the required truck maneuvering area to service the warehouse on site. Strict compliance to the regulations would not allow expansion of the building as previously planned and designed.

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

Approval of this request would not confer on the applicant a special privilege that would be denied to other applicants because the steep slopes were created when the site was initially developed and not naturally occurring on site. The proposed disturbance is integral to complete the warehouse building expansion project that was previously planned as a future improvement. The grading of the slopes will provide positive drainage away from the building expansion and will direct the water to the storm drain system and, ultimately, to the stormwater management facility.

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

The approval of this alternative compliance is not detrimental to the public health, safety, or welfare, or injurious to other properties. The proposed improvements will help to improve the site's outdated stormwater management facilities and, thus, will improve downstream water quality.

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

The disturbed steep areas shall be stabilized and revegetated. The warehouse building expansion is intended to minimize disturbance to the steep slopes by including fill against the proposed building and the addition of retaining walls which shall protect as much existing vegetation as possible. New landscaping on the western perimeter of the property will provide tree cover on the existing slope. All new impervious surfaces will be treated by new or upgraded stormwater management best management practices.

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

The applicant states that mitigation for the disturbance of the steep slopes will be provided in the form of a retrofit to existing stormwater management facilities and the provision of new water quality devices intended to meet all requirements of current stormwater management regulations. The slopes are man-made and there does not appear to be any evidence that the current condition provides existing habitat on site.

**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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The proposed disturbance to the steep slopes shall be limited to the area necessary for constructing the warehouse building expansion, upgrading stormwater management and for parking adjacent to Amberton Drive. The addition of retaining walls is designed to retain the existing slope and to provide positive drainage away from the building. Landscaping shall be provided to replace existing vegetation removed during construction.

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

1. The disturbance to the steep slopes shall be limited to the grading as shown on the alternative compliance exhibit. Any natural vegetation disturbed during the grading for the improvements must be restored to its natural condition to the greatest extent possible (including the stabilization and revegetation of the remaining slopes) once construction is completed. A plan to demonstrate how the impacted steep slopes shall be stabilized and restored to its natural conditions must be included on the site development plan (SDP-22-018).
2. Compliance with review comments for SDP-22-018 regarding the grading of the steep slopes and the construction of the retaining walls.

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: 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
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**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 6620 Amberton Drive, Existing Warehouse (Proposed Building Addition & Parking)

**Subdivision Name/Property Identification:** Route 100 Office/Industrial Park

**Location of property:** 6620 Amberton Drive, Elkridge, MD 21075

**Existing Use:** Warehouse      **Proposed Use:** Warehouse

**Tax Map:** 37      **Grid:** 24      **Parcel No:** 608      **Election District:** 01

**Zoning District:** M-2      **Total site area:** 5.04 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:

F-73-004 Route 100 Office/Industrial Park  
 SDP-80-044 Site Development Plan for Mygrant Glass Warehouse

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
Section <del>133.0(D)5(a)</del>	<del>The request is to provide 44 proposed parking spaces in lieu of the 68 spaces required for warehousing and industrial uses. The tenant will have, at most, 20 employees or guests on premises at one time, and they will not have a need for more than three parking spaces per individual employee or guest for this use (glass warehousing and distribution).</del>
Section 16.116(B)1(i)	The request is to minimally impact existing, man-made steep slopes on the property to allow for construction of the building expansion (as shown on prior SDP-08-044). The expansion will be constructed with special measures to allow the wall adjacent to the slopes to function as a retaining wall. This will minimize impacts to the existing slopes (see incl. letter).

Section Reference No.	Brief Summary of Request

**Signature of Property Owner:**  DocuSigned by: D4BFFD6D52DE43A... **Date:** 4/30/2021

**Signature of Petitioner Preparer:**  **Date:** 

**Name of Property Owner:** The Mygrant Living Trust **Name of Petition Preparer:** Andrew J. Stine

**Address:** C/O Imagine Development Associates  
2007 McClelland St **Address:** Development Design Consultants, Inc.  
192 East Main Street

**City, State, Zip:** Salt Lake City, UT 84105 **City, State, Zip:** Westminster, MD 21157

**E-Mail:** jeremy@ipgcre.com **E-Mail:** astine@ddcinc.us

**Phone No.:** (801) 746-7295 Ex. 109 **Phone No.:** (410) 386-0560 Ex. 206

**Contact Person:** Jeremy Jensen **Contact Person:** Andrew J. Stine

**Owner's Authorization Attached**

Section Reference No.	Brief Summary of Request