



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

June 15, 2022

Tim Harman
Speedfloor Mid Atlantic, LLC.
7116 John Calvert Ct.
Elkridge, MD 21075

RE: WP-22-108 Arrington Manor

Dear Mr. Harman:

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 June 14, 2022 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **denied** your request for alternative compliance with respect to **Section 16.120(b)(4)(i) and Section 16.120(b)(4)(iii)** of the Subdivision and Land Development Regulations to subdivide the parcel into four, irregularly shaped lots, while placing a portion of the required forest conservation as an easement across the rear lots.

The Department of Planning and Zoning finds that strict enforcement of Section 16.120(b)(4)(i) and Section 16.120(b)(4)(iii) would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

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

The applicant has required the County to provide relief from the above referenced code sections to allow four lots to be irregular in shape and to be encumbered with a Forest Conservation Easement. The site has environmental features and buffers on the northwest corner and west end of the property. These environmental areas are mostly along the property boundary, off-site, and not central to the main developable area of the existing site. In order to create 4 lots on this site the lot boundary lines for the proposed lots are irregular in shape and fail to meet the intent of the regulations. Proposed lot 3 contains the most severe shape irregularities as the lot lines shift significantly towards the rear to encompass portions of the floodplain and stream buffer. This is an atypical lot shape and is not usable given the environmental features.

The proposed Forest Conservation Easement area is positioned to span across all four lots and covers approximately one-third of lots 1 and 2, approximately half of lot 3 and more than half of lot 4. The easement is proposed to be only 35 feet from the rear and side building restriction lines on each of the lots. On lots 1-3, the 35-foot setback must accommodate the required stormwater management devices and the future owners will have little space for these typical features. However, the majority of the proposed lot is encumbered with environmental features and forest conservation easements, which is a significant deviation from the regulatory requirements and not commonly allowed by others in similar areas.

DPZ consistently responds to encroachment issues and violations with Forest Conservation Easements on and adjacent to residential lots. The intent of 16.120(b)(4) is to create a usable lot design that provides the area for SWM and yard space, commonly expected on residential lots. Future owners of these lots would expect the ability to use a reasonable portion of their backyard which, in this case, would be significantly limited. Strict conformance

with the requirements will not deprive the applicant of rights commonly enjoyed by others. Most of the developable area is not encumbered by environmental features and strict conformance with the regulations would still permit development of the site at a lesser yield. Therefore, the applicant would not be deprived any rights commonly enjoyed by others developing an R-ED parcel with lots less than 10 areas.

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 site has environmental features and buffers on the northwest corner and west end of the property. These unique topographical conditions do not result in practical difficulty because the environmental areas are mostly along the property boundary, offsite, and not central to the developable area. The applicant is proposing four lots on this environmentally encumbered site. A development with fewer lots or in an alternative design, as was previously approved under WP-20-068, would provide the applicant the opportunity to meet the regulations, therefore, these conditions do not create an unreasonable hardship.

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

The Subdivision and Land Development Regulations only permit floodplains, wetlands, streams, their buffers, and forest conservation easements on the individual lots in instances where they are 10 acres or greater in size or in R-20 infill subdivisions that are restricted from using optional lot sizes and those areas are no closer than 35 feet from the environmental features. This proposal meets neither of these criteria. The proposed lots are significantly smaller than 10 acres and allowing environmental features to encumber the majority of the lot area would significantly reduce the usability of the property by the future owners. Due to a history of encroachment issues and violations with other subdivisions that included Forest Conservation Easements on residential lots, the proposed layout for this project does not promote usable site design. Allowing relief from these sections of code will provide the applicant a special privilege that would typically be denied to other applicants.

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

There is no evidence that this modification would be detrimental to the public health; safety or welfare, or injurious to other properties in the immediate area. However, if approved, this action would be inconsistent with the requirements to create usable outdoor space for the future residents. With limited space available on their lots to do this, there would be significant pressure to hold the forest conservation easement boundary line within such proximity to the homes and avoid clearing for private use. Intrusion into designated forest conservation easement would be detrimental to the feature the regulations are designed to protect.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
FCC



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-22-108*
 Date Filed *4/12/22*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 6490 Lawyers Hill Road

Subdivision Name/Property Identification: Arrington Manor

Location of property: 6490 Lawyers Hill Road

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

Tax Map: 38 **Grid:** 02 **Parcel No:** 018 **Election District:** First

Zoning District: R-ED **Total site area:** 4.270 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:

ECP-19-047, WP-20-068

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 16.120(b)(4)	Usable design. Residential lots shall be designed to be usable in terms of: (iii) Not being encumbered by environmentally sensitive features: (b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope;
Section 16.120.(b)(4)(i)	(b)Lot Design: (4)Usable design. Residential lots shall be designed to be usable in terms of:(i)Regular, generally rectangular lot shape;

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  **Date:** 4/8/2022

Signature of Petitioner Preparer:  **Date:** 

Name of Property Owner: Speedfloor Mid Atlantic, LLC. **Name of Petition Preparer:** Fisher, Collins and Carter, Inc.

Address: 7116 John Calvert CT **Address:** 10272 Baltimore National Pike

City, State, Zip: Elkridge, MD 21075 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: tharman@heffnerandweber.com **E-Mail:** PDOX@FCC-ENG.COM

Phone No.: 443-506-6188 **Phone No.:** 410-461-2855

Contact Person: TIM HARMAN **Contact Person:** FRANK MANALANSAN II, L.S.

Owner's Authorization Attached