



# 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

October 17, 2022

Mr. Nicholas Laswell  
Johns Hopkins University  
Applied Physics Laboratory  
11100 Johns Hopkins Road  
Laurel, MD 20723

Dear Mr. Laswell:

RE: WP-23-002, JHU/APL Tennis Court Stability Improvements

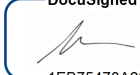
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On October 12, 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 to repair failing slopes near the tennis court in the north area of the main campus. 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 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 Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

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

AC/BL

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
RK&K



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3430 Court House Drive

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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-23-002, JHU/APL Tennis Court Stability Improvements**  
*Request for an alternative compliance to Section 16.116(b)(1)(i) of the Subdivision and Land Development Regulations.*

**Applicant:** Johns Hopkins University Applied Physics Lab  
11100 Johns Hopkins Road  
Laurel, MD 20723

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(b)(1)(i)** of the Subdivision and Land Development Regulations. The purpose is to repair failing slopes near the tennis courts. The Directors deliberated the application in a meeting on October 12, 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.**

In 2005, the tennis courts were constructed as part of SDP-04-035. This involved the creation of manmade steep slopes. The applicant has provided documentation demonstrating that the steep slopes located near the tennis courts are failing. The Geotech report demonstrates that the manmade slopes were not properly compacted thus resulting in sediment falling onto the internal private road and undermining an area near the tennis court. Strict conformance with the regulation would prohibit the applicant from repairing these slopes and may result in the surface area of the tennis court to fail, thus rendering the tennis court no longer useable. In addition, the sediment falling within the private road can endanger the employees due to unsafe vehicular access and may impede emergency services should they be needed on the campus. The applicant has installed super silt fence along the private road as a temporary precaution. Not permitting the applicant to correct a current danger would deprive the applicant rights commonly enjoyed by others and would create an unsafe condition to the public.

**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 failing slopes were created as part of an approved site development plan. Fill dirt was transported onsite for the construction of the athletic court. The topography disturbed is unique in the fact that this is a man-made steep slope constructed in conjunction with the recreational improvements previously approved and installed.

This prior work created a condition wherein the only place for the current improvement is at the top of the slope and there are no alternatives to correct the failing slope without impacting that slope and there are no alternatives to allow the natural degradation of the slope to occur while keeping the existing courts intact.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**  
The applicant will not receive special privileges not available to other applicants. The applicant has provided justification, including photos of failing steep slopes which were constructed under an approved site development plan. Because the slopes were not properly compacted, the slopes are now failing. These failing slopes impact the integrity of the surface of the tennis court and create a hazard for the employees and the public because sediment is falling onto the private road. Addressing a current, hazardous condition will not confer the applicant a special privilege that would be denied to other applicants.
- 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 disturbance is minimal and limited to the repair needed to stabilize the failing steep slopes in order to improve the existing unsafe condition. The modification is intended to improve public safety, mitigate against future slope failure and will not be detrimental to the public health, safety, or welfare or injurious to other properties.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**  
The disturbed area is not naturally occurring as it is a man-made steep slope between two improved areas. Upon completion of the project, an improved vegetated steep slope will be installed in place of the existing steep slope. The slope will be revegetated with seed and permanent soil stabilization matting per MDE detail B-4-6-D, as shown on the Erosion and Sediment Control Details plan. The contractor will also be responsible for providing turfgrass species grown to at least 4" height and dark green color with at least 95% groundcover prior to substantial completion. Slope Maintenance Requirements are on sheet C-600 Erosion and Sediment Control notes.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**  
The project includes appropriate erosion sediment control measures to minimize adverse impacts to water quality and fish, wildlife and vegetative habitat.
- 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.**  
After consideration of several options, including retaining walls, diversion of surface flow and recompacting the soil, it was determined by the engineer that the grading, removal of vegetative cover/trees and construction of an engineered vegetatively-stabilized slope minimizes impacts necessary to repair the slope and improve slope stability.

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

1. The disturbance shall not exceed the limit of disturbance shown on the alternative compliance plan exhibit.
2. After construction is completed, all disturbed areas shall be stabilized and planted as shown on the alternative compliance plan exhibit.
3. A red-line to SDP-04-035 must be submitted showing the improvements to the steep slope area. The redline plan must be consistent with the exhibits provided with this alternative compliance exhibit provided with WP-23-002.

- The applicant shall comply with all permit requirements from the Department of Inspections, Licenses and Permits and all requirements in the PEC "Planned Employment Center" Zoning District Regulations.

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: Research  
OCS, Joshua Feldmark  
DPW, Thomas Meunier



# 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 9, 2022

Mr. Nicholas Laswell  
Johns Hopkins University Applied Physics Lab  
11100 Johns Hopkins Road  
Laurel, MD 20723

Dear Mr. Laswell:

RE: WP-23-002, JHU/APL, Tennis Court

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

<u>Agency</u>	<u>#Copies</u>
DLD	1
Research	1
OCS	1

**Also, the resubmission must sent electronically to Jennifer Wellen at [JWellen@howardcountymd.gov](mailto:JWellen@howardcountymd.gov) or Justin Schleicher at [JSchleicher@howardcountymd.gov](mailto:JSchleicher@howardcountymd.gov).** The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before September 23, 2022\***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

**In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to [planning@howardcountymd.gov](mailto:planning@howardcountymd.gov) for processing.

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

Sincerely,

DocuSigned by:  
  
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/BL

Attachments:

cc: Research  
DLD - Julia Sauer  
Real Estate Services





## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** JHU APL Tennis Court Slope Stability Improvements

**Subdivision Name/Property Identification:** JHU Applied Physics Lab

**Location of property:** 11100 Johns Hopkins Rd, Laurel, MD 20723

**Existing Use:** Research Facility      **Proposed Use:** Research Facility

**Tax Map:** 41      **Grid:** 16      **Parcel No:** 1      **Election District:** 5

**Zoning District:** PEC      **Total site area:** 13,913 SF

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:

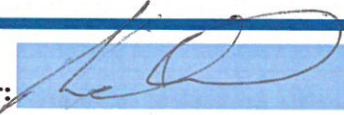
SDP-04-35

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	Protection of steep slopes: Requesting a waiver of section 16.116 to disturb steep slopes greater than 25% in a contiguous area larger than 20,000 SF. Disturbance is on the John Hopkins Applied Physics Lab campus. Project consists of stabilization of on-going slope failures at the southeast corner of the existing tennis courts.



Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 27 JUN 2022

Signature of Petitioner Preparer: Charles Mitchell PE Date: 7/1/22

Name of Property Owner: Johns Hopkins University Applied Physics Lab Name of Petitioner Preparer: Charles Mitchell, PE

Address: 11100 Johns Hopkins Road Address: RK&K 700 East Pratt Street Suite 500

City, State, Zip: Laurel, MD 20723 City, State, Zip: Baltimore, MD 21202

E-Mail: nicholas.laswell@jhuapl.edu E-Mail: cmitchell@rkk.com

Phone No.: 410.592.2014 Phone No.: 410.462.9307

Contact Person: Nicholas Laswell Contact Person: Charles Mitchell

Owner's Authorization Attached



Department of **Planning & Zoning**

HOWARD COUNTY MARYLAND GOVERNMENT

3430 Court House Drive, Ellicott City, Maryland 21043 410-313-2350

Val Lazdins, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)


FAX: 410-313-3467

TDD: 410-313-2323

**Certification of Applicant**

Advisory Comment – In accordance with Section 16.1103 of Subtitle 11, “Adequate Public Facilities Ordinance” (APFO), all residential subdivisions or site development plans (if subdivision is not required) are required to pass the tests for adequate public school facilities as a condition of approval, except those listed as exemptions under Section 16.1107.

I hereby certify that the information supplied herewith is correct and complete and authorize such periodic on-site inspections by the Department of Planning and Zoning and the Subdivision Review Committee agencies as may be necessary to review this application and any waiver petitions filed in connection herewith and to enforce the Subdivision Regulations and other applicable laws. This right-of-entry shall continue until all administrative appeals pertaining to the property have been exhausted. **\*If the applicant is the owner's agent, written documentation from the property owner granting that authority is required.**

  
\_\_\_\_\_  
(Signature of Property Owner/Agent)\*

Nicholas Laswell  
\_\_\_\_\_  
(Print Name of Owner/Agent)

6/27/22  
\_\_\_\_\_  
(Date)

nicholas.laswell@jhuapl.edu  
\_\_\_\_\_  
(Property Owner's Email Address)

11100 Johns Hopkins Road  
\_\_\_\_\_  
(Property Owner's Address)

Laurel, MD 20723  
\_\_\_\_\_  
(State and Zip Code)

443-778-6122  
\_\_\_\_\_  
(Property Owner's Fax Number)\*

Tennis Court Slope Stability Impr  
\_\_\_\_\_  
(Project Name)