



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

Brian Shepter, Acting Director

FAX 410-313-3467

April 26, 2023

Dr. Samuel Onyewu
15700 Cambria Cove Blvd
Midlothian, VA 23112

RE: WP-23-005 Ordway Drive- Parcel 314

Dear Dr. Onyewu:


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 April 20, 2023 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove eight (8) specimen trees for the construction of a single-family dwelling. 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 Environmental Concept 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services
Anne Gilbert- DNR anne.gilbert@maryland.gov
Greg Phillips



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-23-005 Ordway Drive- Parcel 314**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Dr. Samuel Onyewu
15700 Cambria Cove Blvd
Midlothian, VA 23112

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove eight (8) specimen trees for the construction of a single-family dwelling. The Directors deliberated the application in a meeting on April 20, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The triangular-shaped lot has limited road frontage and is encumbered with perennial streams, wetlands and 100-year floodplain. The site is entirely forested and contains 42 specimen trees greater than 30" DBH (diameter at breast height). Due to the extensive environmental features and buffers onsite, there is limited flexibility in site design and 8 specimen trees are proposed for removal. The buildable area and approved septic area are located on the opposite side of the stream from the road frontage. This requires a long driveway and stream crossing, which is proposed in a location to avoid impacts to wetlands and to minimize disturbance to the stream and buffer. Unfortunately, the location of the driveway within this unique site proposes the removal of 7 specimen trees.

The approved septic area is located upslope from the proposed house which will require the installation of a grinder pump. The elevation of the house needs to be raised from the existing grades to facilitate the collection and conveyance of sewage to the grinder pump below the house. The location of the pump will require the removal of 1 specimen tree. The footprint of the house cannot be shifted further from the specimen tree due to a stream buffer to the east of the house.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

Strict enforcement of the regulations would deprive the landowner of the ability to construct a single-family dwelling on the parcel. Due to the extensive environmental features and specimen trees scattered throughout the site, disturbance to the 8 specimen trees is unavoidable to provide access to the single structure. Tree protection measures will be utilized during construction to protect the remaining specimen trees onsite. Through the review process, the applicant investigated moving the grinder pump to an alternate location in order to save the impacted specimen tree but was unable due to technical grade requirements. In an effort to find an alternative way to access the home site, the applicant also contacted the neighbor regarding the potential for an easement through their property to the new home. This would have eliminated the crossing and removal of 7 specimen trees, however, the neighbor declined to provide the access easement. Absent that, there are no additional alternative access points for this site and the placement of the driveway was designed to impact the fewest specimen trees and environmental features.

3. Verify that the granting of a variance will not adversely affect water quality.

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. The proposed driveway alignment has been designed to minimize the overall impact to existing forest and the stream crossing location minimizes disturbance to the stream and wetland system.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

The granting of a variance will not confer a special privilege that would be denied to other applicants. The site is severely constrained with environmental features, specimen trees, etc. The impacts to specimen trees have been minimized by locating the driveway in an area that will not require extensive grading. Due to the location of the specimen trees and other site constraints, impacts to 8 of the specimen trees are unavoidable. The construction of one single family home on an existing lot is not considered a special privilege.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The request is not based on conditions or circumstances which are the result of actions by the applicant. The request for removal of specimen trees is due to site constraints including extensive environmental features, septic area and limited road frontage. The applicant actively sought alternative means of access to the home site but was unable to secure those from the neighbors.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

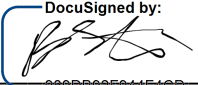
There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of the eight specimen trees (# 6, 26, 33, 34, 36, 37, 38 and 110) is hereby permitted, as shown on the Alternative Compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request.

2. Disturbance to the critical root zone of the remaining specimen trees shall be limited to a maximum of 30%. Protective measures shall be utilized during construction to protect the specimen trees which are proposed to remain. Details shall be provided on the Simplified Environmental Concept Plan and any plans used for construction of the proposed dwelling on Parcel 314.

3. The applicant shall mitigate the removal of the eight specimen trees by planting a minimum of 16 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Financial surety for the 16 mitigation trees in the amount of \$4,800.00 shall be posted with the grading permit for construction of the proposed dwelling on Parcel 314. The total financial surety will be subject to any increase in fee at the time of posting. Planting details shall be provided on the Simplified Environmental Concept Plan and any plans used to obtain grading or building permits. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive.

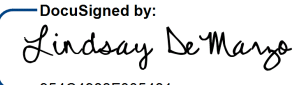
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Brian Shepter, Acting Director
Department of Planning and Zoning

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Nicola Morgal, Acting Director
Department of Recreation and Parks

DocuSigned by:

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Lindsay DeMarzo, Acting Administrator
Office of Community Sustainability

cc: Research
OCS, Lindsay DeMarzo
DRP, Nicola Morgal
Greg Phillips



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

September 19, 2022

Dr. Samuel Onyewu
15700 Cambria Cove Blvd
Midlothian, VA 23112

RE: WP-23-005 Ordway Drive- Parcel 314

Dear Dr. Onyewu:

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 September 16, 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove specimen trees for the construction of a single-family home on Parcel 314.

The Department of Planning and Zoning finds that strict enforcement of Section 16.1205(a)(3) would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

The applicant was advised that additional information was required to process the alternative compliance request. The deadline to provide the additional information was September 11, 2022. Additional information was not provided to the Department of Planning and Zoning prior to the deadline. Section 16.104(b)(1) states:

The developer has presented a petition demonstrating the desirability of waiver; if the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request. If the information is not submitted by the deadline, the Department shall deny the petition.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Josh Feldmark- OCS
Raul Delerme- DRP



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

July 28, 2022

Dr. Samuel Onyewu
15700 Cambria Cove Blvd
Midlothian, VA 23112

RE: WP-23-005 Ordway Drive- Parcel 314

Dear Dr. Onyewu:

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, supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 1 copy

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before September 11, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

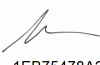
Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans 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.

Please refer to the Department of Planning and Zoning website for current business processes during this time. 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 for processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:


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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

Attachments: DLD comments

cc: Research
DLD - Julia Sauer
Real Estate Services
Najib Roshan- NJR & Associates



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 *WP-23-005*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: A new Single Family Dwelling on a wooded vacant parcel.

Subdivision Name/Property Identification: Parcel 314, Tax Map 16, Grid 13

Location of property: Ordway Drive, Ellicott City

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

Tax Map: 16 **Grid:** 13 **Parcel No:** 314 **Election District:** 3

Zoning District: RR-DEO **Total site area:** 6.988 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:

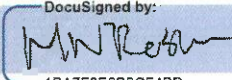
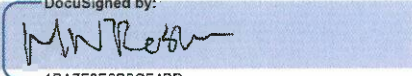
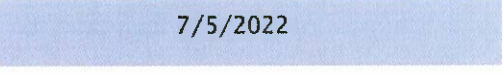
A Simplified ECP has been submitted and it is under review.

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
16.1205(a)(3)	Removal of trees larger then 30" DBH.
16.116(c)	Necessary disturbance within wetlands, stream and their buffers.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  DocuSigned by:  Date:  7/2/2022
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Signature of Petitioner Preparer:  DocuSigned by:  Date:  7/5/2022
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Name of Property Owner:  Dr. Samuel Onyewu Name of Petition Preparer:  Najib Roshan

Address:  15700 Cambria Cove Blvd Address:  2770 Terrapin Lane

City, State, Zip:  Midlothian, VA 23112 City, State, Zip:  West Friendship, MD 21794

E-Mail:  sonyewu@yahoo.com E-Mail:  roshannj@aol.com

Phone No.:  202-436-0060 Phone No.:  240-508-3200

Contact Person:  Dr. Samuel Onyewu Contact Person:  Najib Roshan

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request