



# 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

February 6, 2023

Daniel McIntyre  
LKQ Corporation  
8125 Washington Blvd  
Jessup, MD 20794

RE: WP-23-035 8125 Washington Blvd

Dear Mr. McIntyre:

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 January 25, 2023, 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)(iv)** of the Subdivision and Land Development Regulations to remove contaminated soil and replace with clean fill material within the 50' stream bank buffer. Please see the attached Final Decision Action Report for more information.

On January 25, 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 16.1201(v)** and **Section 16.1209(b)(1)** of the Subdivision and Land Development Regulations to use the 0.63-acre limit of disturbance as the 'Gross Tract Area' for calculating the forest conservation requirement and to fulfill the requirement through the payment of a fee-in-lieu. Please see the attached Final Decision Action Report for more information.

On January 24, 2023, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.115(c)** and **Section 16.155(a)(1)** of the Subdivision and Land Development Regulations to remove contaminated soil and replace with clean fill material within the 100-year floodplain and to use the Alternative Compliance plan exhibit as the substitute for a site development plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.**

The applicant proposes to remove contaminated soil and replace with clean fill material within the 100-year floodplain, as required by MDE. Grading, clearing, excavating, filling and altering drainage must occur within the floodplain in order to comply. Upon completion, all impacted areas will be restored to a more stable environment

and replanted with native vegetation. Strict conformance with the requirements would not allow the contaminated soil to be removed, which would perpetuate the risk to public health and limit any future uses of the site.

**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.**

Strict adherence to the regulations would not allow the stabilization project to proceed and the retention of the contaminants within the soil will continue to leach into the waterways. Based on results from soil and groundwater sampling onsite, the contaminated soil is located within 3 areas adjacent to Dorsey Run. These areas are located within the 100-year floodplain and 50' stream bank buffer and strict adherence to the regulations would prohibit the removal of the contaminated soil. The soil will be replaced with clean fill material in accordance with MDE requirements.

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

Granting of the request will allow the removal of contaminated soils and will not confer a special privilege that would be denied to other applicants. The removal of the contaminated soils is required by MD Department of the Environment and will provide a benefit to water quality and public health.

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

The goals of the project are to remove contaminated soil adjacent to Dorsey Run. The project will improve public health and welfare by preventing further contamination of groundwater and improving water quality.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

**1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.**

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed soil remediation project. The soil remediation is required by MD Department of the Environment and is important to protect public health and water quality. The additional time and resources associated with site development plan review would create an unreasonable hardship and would not benefit the project design. The alternative compliance plan exhibit contains all necessary information for permitting and an erosion and sediment control plan has been approved by the Howard Soil Conservation District. Approval of the alternative compliance promotes efficiency of the plan review process.

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

1. The approval of this Alternative Compliance request is specific to the proposed remediation of contaminated soils onsite as required by Maryland Department of the Environment (MDE).
2. The applicant shall obtain all required authorizations and permits from Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances to regulated resources. Provide approval letters from MDE and/or USACE with the grading permit application.

3. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
4. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the 0.63-acre limit of disturbance as shown on the alternative compliance exhibit.
5. All required erosion and sediment control measures shall be maintained during the duration of the project to prevent soil or runoff from entering Dorsey Run.
6. All disturbed areas within the 50' stream bank buffer and 100-year floodplain shall be replaced with clean fill material and stabilized after the soil remediation project is complete.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related building and grading permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading 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](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
29266B221B8841E... for  
Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/eb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Marian Honeczy- DNR  
Jennifer Bird- KCI Technologies



# 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

## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

**RE:** **WP-23-035 8125 Washington Blvd**  
*Request for a variance to Sections 16.116(a)(2)(iv), 16.1201(v) and 16.1209(b)(1) of the Subdivision and Land Development Regulations.*

**Applicant:** LKQ Corporation  
8125 Washington Blvd  
Jessup, MD 20794  
Attn: Daniel McIntyre

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 16.1201(v)** and **Section 16.1209(b)(1)** of the Forest Conservation Regulations. The purpose is to use the 0.63-acre limit of disturbance as the 'Gross Tract Area' for calculating the forest conservation requirement and to fulfill the requirement through payment of a fee-in-lieu. The Directors deliberated the application in a meeting on January 25, 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 total area of the site is 12.69 acres, but the area of the soil remediation project is 0.63 acres. The site consists of gravel storage yards and there is minimal forest to retain onsite. The soil remediation project, as required by MDE will not impact any existing vegetation. Requiring afforestation onsite would not be appropriate for this project since it is minor in scope and the future use of the site is not known.

Additionally, the applicant (LKQ Corporation) is a tenant and does not own the property but is required to comply with the requirements of the Consent Order to remove the contaminated soil. Since they do not own the property, the applicant is not able to guarantee the long-term protection of any onsite forest conservation easements. The applicant proposes to pay a fee-in-lieu to satisfy the forest conservation obligation for the project.

**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 require the applicant to fulfill forest conservation obligations for the entire property by providing onsite afforestation. The applicant is not the landowner of the property, however, they are seeking to improve the conditions for one portion of the property. The applicant (tenant) would not be able to enter perpetual easements for the entirety of the property. Therefore, permitting the LOD to be used as the Net Tract Area allows the forest conservation regulations to be applied to the portions of property that are physically impacted by this work. Similar projects to repair existing conditions have used the LOD as the net tract area when impacts are temporary, necessary and the work returns the project area to an improved natural condition. Approval of this variance confers rights that are commonly enjoyed by others with similar project conditions.

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

There is no evidence that granting the variance will adversely affect water quality. The contaminated soil will be removed from the site adjacent to Dorsey Run, which will have a positive impact to water quality. Erosion and sediment control measures will be implemented to prevent soil or contaminated groundwater from entering Dorsey Run. The soil will be replaced with clean fill material and returned to the existing grades.

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

Required work under a Consent Order by the Maryland Department of the Environment would not be 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.**

A Consent Order was issued requiring remediation of contaminated soils. The contamination appears to be limited to the site in the vicinity of a former vehicle crushing facility. The prior activities of this tenant did lead to the contamination on site but this variance request to use the net tract area to calculate the required forest conservation obligation right sizes the obligation. As the applicant was a tenant of the site, they cannot guarantee the long-term protection of any onsite forest conservation easements to satisfy the full obligation.

**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 16.1201(v) and Section 16.1209(b)(1) is subject to the following conditions:

1. The approval of this Alternative Compliance request is specific to the proposed remediation of contaminated soils onsite as required by Maryland Department of the Environment (MDE).
2. The 0.63-ac Limit of Disturbance shall be used to calculate the Net Tract Area for determining the forest conservation requirement for the project.
3. Prior to submission of a grading permit application, the applicant shall pay a fee-in-lieu in the amount of \$5,445.00 for the afforestation requirement totaling 0.1 acres. The payment shall be submitted to the Division of Land Development for processing along with the Alternative Compliance approval letter and completed Forest Conservation Data Summary Chart. Evidence of the payment must be submitted with the grading permit application.

- Any future development, subdivision or change in use of the property shall address forest conservation regulations in effect at the time, including requirements for onsite retention or afforestation.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delorme*

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Raul Delorme, Director  
Department of Recreation and Parks

DocuSigned by:

*Joshua Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

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)(iv)** of the Subdivision and Land Development Regulations. The purpose is to remove contaminated soil and replace with clean fill material within the 50' stream bank buffer. The Directors deliberated the application in a meeting on January 25, 2023.

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 contaminated soils are located within the floodplain and stream buffer adjacent to Dorsey Run and are required to be removed from the site in accordance with a Consent Order. Strict conformance with the requirements would not allow the contaminated soil to be removed, which would perpetuate the risk to public health and limit any future uses of 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.**

Based on results from soil and groundwater sampling onsite, the contaminated soil is located within 3 areas adjacent to Dorsey Run. These areas are located within the 100-year floodplain and 50' stream bank buffer and strict adherence to the regulations would prohibit the removal of the contaminated soil. The soil will be replaced with clean fill material in accordance with MDE requirements.

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

Granting of the request will allow the removal of contaminated soils and will not confer a special privilege that would be denied to other applicants. The removal of the contaminated soils is required by MDE and will provide a benefit to water quality and public health.

- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**  
The goals of the project are to remove contaminated soil adjacent to Dorsey Run. The project will improve public health and welfare by preventing further contamination of groundwater and improving water quality.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**  
The contaminated soil will be removed and replaced with clean fill material to the existing grades. No vegetation will be removed. The area of disturbance has been minimized to the greatest extent possible.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**  
The contaminated soil will be removed from the site, which will have a positive impact to water quality. Erosion and sediment control measures will be implemented to prevent soil or contaminated groundwater from entering Dorsey Run. The soil will be replaced with clean fill material and returned to the existing grades. No removal of vegetation is proposed.
- 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 area of disturbance has been minimized to the greatest extent possible. No grading or removal of vegetative cover or trees is proposed.

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

1. The approval of this Alternative Compliance request is specific to the proposed remediation of contaminated soils onsite as required by Maryland Department of the Environment (MDE).
2. The applicant shall obtain all required authorizations and permits from Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances to regulated resources. Provide approval letters from MDE and/or USACE with the grading permit application.
3. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
4. All required erosion and sediment control measures shall be maintained during the duration of the project to prevent soil or runoff from entering Dorsey Run.
5. All disturbed areas within the 50' stream bank buffer and 100-year floodplain shall be replaced with clean fill material and stabilized after the soil remediation project is complete.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Art Shapiro*

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Art Shapiro, Acting 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  
DRP, Raul Delerme  
DPW, Art Shapiro





# 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

November 3, 2022

Daniel McIntyre  
LKQ Corporation  
8125 Washington Blvd  
Jessup, MD 20794

RE: WP-23-035 8125 Washington Blvd

Dear Mr. McIntyre:

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 December 18, 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.

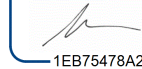
**In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

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](mailto:planning@howardcountymd.gov) for processing.

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

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/eb

Attachments: DLD comments, MDOT- SHA comments, DILP comments

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Jennifer Bird- KCI Technologies, Inc.



DPZ Office Use only: File No. Date Filed
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**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 8125 Washington Boulevard

**Subdivision Name/Property Identification:** 8125 Washington Boulevard

**Location of property:** 8125 Washington Boulevard, Jessup, Maryland

**Existing Use:** Industrial      **Proposed Use:** Industrial

**Tax Map:** 43      **Grid:** 14      **Parcel No:** 352, 552      **Election District:** 6

**Zoning District:** CE-CLI      **Total site area:** 12.69 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:

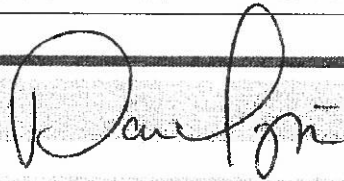
The LKQ Corporation is proposing to remove contaminated soil at 8125 Washington Boulevard in Jessup, Maryland. Contaminated soils are being removed and replaced with clean fill to achieve compliance with Maryland Department of the Environment regulations.

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>16.155</del> (c) 16.115(c)	The proposed improvements will result in unavoidable impacts to the 100-year floodplain.
Section 16.1201(v)	HODPW requests a waiver to use the LOD as the net tract area.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:



Date:

9/9/2022

Signature of Petitioner Preparer:

Jennifer Bird

Digitally signed by Jennifer Bird  
DN: cn=Jennifer Bird, o=KCI Technologies, ou=Petitioner  
Preparer, email=JBird@kci.com  
Date: 2022.09.09 12:31:06-0400

Date:

9/9/2022

Name of Property Owner: LKQ Corporation

Name of Petition Preparer: KCI Technologies, Inc.

Address: 8125 Washington Boulevard

Address: 936 Ridgebrook Road

City, State, Zip: Jessup, MD 20794

City, State, Zip: Sparks, MD 21152

E-Mail: dpmcintyre@lkqcorp.com

E-Mail: Jennifer.bird@kci.com

Phone No.: 858-200-6042

Phone No.: 410-316-7959

Contact Person: Daniel McIntyre

Contact Person: Jennifer Bird



Owner's Authorization Attached