



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

August 7, 2023

Alhad & Karen Chande
11808 Bare Sky Lane
Columbia, MD 21044

RE: WP-24-003 Mallan's Property Lot 2

Dear Applicant:

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 August 3, 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 4 specimen trees to provide sewage disposal area. Please see the attached Final Decision Action Report for more information.

On July 31, 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 16.120(b)(4)** of the Subdivision and Land Development Regulations to provide an on-site Forest Conservation Easement on a lot less than 10 acres.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4) 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;

Strict adherence to the regulations would prevent the owners from providing the required septic area and prevent the building of a house on an established residential lot. Building a home on a legally created buildable lot deprives the owner of a right commonly enjoyed by others in the same neighborhood and similar 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 subject property is a mostly wooded lot that is 3.4 acres and zoned RC-DEO. There are 53 existing trees with a DBH of 24" or greater. Of the 53 significant trees, 21 are specimen trees. Neighboring lots contain forest, wetlands and floodplains. The lot slopes down from the south to the north and is somewhat divided by a drainage/stormwater channel that runs south to north as well. Access is off the end of a use in common driveway in an established neighborhood. The entrance drive and dwelling are sited to the east at the entrance to the site to avoid encroaching into the site as much as possible. The Administrative Adjustment allowed the dwelling to be closer to the front of the lot and allow room for the required septic disposal area. The proposal sites the development activity to the front of the lot providing an opportunity to meet forest conservation requirements on site by providing a retention easement. It is an unreasonable hardship to require meeting forest conservation obligations offsite when the appropriate area of healthy forest exists on site.

3. **The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**
Granting the variance to provide on-site forest conservation does not confer a special privilege. It allows for reasonable development of the residential lot. The proposed forest conservation easement area is located at a reasonable distance away from the house as to reduce concerns regarding future encroachments into the easement area. Existing trees will also be maintained and added to in order to further delineate the active side-yard area from the easement.
4. **The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**
Providing an onsite forest conservation easement does not detract or harm the neighboring properties or the public's health, safety or welfare. It is not injurious to other parties.

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

General:

1. Include a note summarizing the alternative compliance application request, sections, decision, decision date and all conditions of approval on all related plan submissions. Please be clear that alternative compliance to Section 16.120(b)(4) was acted on by the Department of Planning and Zoning, only and alternative compliance to Section 16.1205(a)(3) was acted on by the Director of the Department of Planning and Zoning, the Director of Recreation and Parks and the Administrator of the Office of Community Sustainability.


Specific Conditions of Approval of Section 16.120.(b)(4):

1. A plat of revision shall be processed and recorded to show the Forest Conservation Easement and the required 35' environmental buffer to ensure no structures are permitted within 35' of the Forest Conservation Easement except that a deck may project 10' into the buffer.

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 Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,

DocuSigned by:


Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research
DLD - Julia Sauer
Real Estate Services
Anne Gilbert - DNR anne.gilbert@maryland.gov
Sill Engineering Group (joanne@sillengineering.com)



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

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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-24-003 Mallan's Property Lot 2**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Alhad & Karen Chande
11808 Bare Sky Lane
Columbia, MD 21044

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 4 Specimen Trees to provide sewage disposal area. The Directors deliberated the application in a meeting on August 3, 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 subject property is a mostly wooded lot that is 3.4 acres and zoned RC-DEO. There are 53 existing trees with a DBH of 24" or greater. Of the 53 significant trees, 21 are specimen trees. Neighboring lots contain forest, wetlands and floodplains. The lot slopes down from the south to the north and is somewhat divided by a drainage/stormwater channel that runs south to north as well. Access is off the end of a use in common driveway in an established neighborhood. The entrance drive and dwelling are sited at the entrance to the site to avoid encroaching into the site as much as possible. The Administrative Adjustment allowed the dwelling to be closer to the front of the lot and allow room for the required septic disposal area. The house site, driveway, and SWM facilities were designed around the existing specimen trees. Only the proposed septic area contains 4 of the 21 specimen trees on site. Moving the septic area closer to the south would impact different specimen trees. Other than the recently cleared area where the house is proposed, the site is wooded with specimen trees throughout. Conserving the 4 specimen trees would prevent the required septic area and the home could not be built depriving the owner's rights to build on a legally created buildable lot.

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

Strict adherence to the regulations would prevent the owners from providing the required septic area and prevent the building of a house on an established residential lot. Building a home on a legally created buildable lot deprives the owner of a right commonly enjoyed by others in the same neighborhood and similar areas.

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 onsite Forest Conservation easement proposed protects 1.6 acres of the property. Maintaining existing forest and additional storm water management controls will protect floodplain and streams downhill from the site.

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

Granting the variance to remove 4 specimen trees does not confer a special privilege. It allows for reasonable development of the residential lot. The specific conditions of approval for these 4 trees will allow them to remain on site until such a time as the additional SDA reserve area is needed. In addition, the mitigation trees will be planted now in order to immediately begin adding to the ecology of the site.

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

The variance request is not based on conditions or circumstances as the result of the applicant, but rather due to the requirements of the regulations to provide septic system locations on site that provide environmental safety to the homeowner and surrounding properties.

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; and

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.

7. Provide any other information appropriate to support the request.

The four trees proposed to be removed are Tulip Poplars in good condition. Much of the forest in Howard County are part of the Tulip Poplar association. They are not rare, endangered, or unusual trees. The average DBH of these four trees is half the size of the state champions which are 93" and 101" DBH.

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

1. Approval is for removal of Specimen Trees 2, 3, 5 and 6 only and shall be mitigated with the planting of 8 native shade trees meeting 3" DBH. The mitigation trees shall be clearly shown on the plans to be preserved.
2. Provide a supplemental plan to accompany the revision plat to Mallan's Property Lot 2 to show the mitigation planting plan and FCP plan details and notes. Include a surety of \$300 per tree for the required mitigation plantings.
3. WP-24-003 was approved on August 3, 2023, allowing the removal of Specimen Trees 2, 3, 5 and 6 for the on-site sewage disposal system installation. Impacts to the critical root zones of trees Specimen Trees 2, 3, 5 and 6 are not anticipated to be necessary until the Health Department determines the reserved sewage disposal area

(SDA) is needed. Specimen Trees 2, 3, 5 and 6 are to be retained on site until the reserved SDA is needed and their removal is required in writing by the Health Department. Mitigation for the removal of these specimen trees has already been provided on (enter DPZ file number F-xx-xxx). The subdivision will be subject to the terms of the executed Developers Agreement and Maintenance Agreement required as part of the approved Forest Conservation Plan (FCP) for a minimum of three years from the recordation date of the plat. Specimen tree protection in this note is only effective while there is an active (FCP).

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, Director
Department of Planning and Zoning

DocuSigned by:

Nicholas Mooneyhan

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Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:

Timothy Lattimer

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Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP



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-24-08**
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: **Wooded lot**

Subdivision Name/Property Identification: **Lot 2 Mallan's Property**

Location of property: **11813 Clarendon Woods Court**

Existing Use: **See Site Discription** Proposed Use: **Single Family House**

Tax Map: **29** Grid: **13** Parcel No: **36, Lot 2** Election District: **5th**

Zoning District: **RC-DEO** Total site area: **+3.44**

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:

SECP currently under review, AA-23-001

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 16.1205(a)(3)	To allow for the removal of Specimen trees where the required Sewage Disposal Area and the Stormwater Management bio retention facility locations are proposed.
Section 16.120(b)(4)	To allow a Forest Conservation easement on a lot that is less than 10 acres.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 07/04/2023

Signature of Petitioner Preparer:  Date: 06/30/2023

Name of Property Owner: Alhad & Karen Chande Name of Petition Preparer: Sill Engineering Group, LLC

Address: 11808 Bare Sky Lane Address: 16005 Frederick Road, 2nd floor

City, State, Zip: Columbia, MD 21044 City, State, Zip: Woodbine, MD 21797

E-Mail: achande@comcast.net E-Mail: joanne@sillengineering.com

Phone No.: 443 634 4652 Phone No.: 443 325 5076 ext. 105

Contact Person: Alhad Chande Contact Person: Joanne Carey

Owner's Authorization Attached