



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

June 25, 2025

Amy and Tony Spangler
12245 Howard Lodge Road
Sykesville, MD 21784

Dear Mr. and Mrs. Spangler:

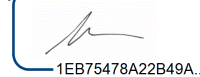
RE: WP-24-092, Spangler Property

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, 2024, 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)(1) and 16.116(a)(2)(i)** of the Subdivision and Land Development Regulations to remove a small portion of the embankment of an existing pond. Please see the attached Final Decision Action Report for more information.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at 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
Benchmark Engineering
Alice Miller



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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-24-092, Spangler Property**
Request for an alternative compliance to Section 16.116(a)(1) and 16.116(a)(2)(i) of the Subdivision and Land Development Regulations.

Applicant: **Amy and Tony Spangler**

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)(1) and 16.116(a)(2)(i)** of the Subdivision and Land Development Regulations. The purpose is to remove a small portion of the embankment of an existing pond (approximate disturbance .262 acres). The Directors deliberated the application in a meeting on June 14, 2024.

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 others in similar areas;

The subject property is improved with a single-family dwelling and accessory structures. The parcel contains an existing pond, located near the rear of the property. This pond receives surface flow from a wetland area on the adjacent Walker Meadows Property. The environmental consultant indicated there was no clear stream channel, but it was agreed to categorize it as an intermittent stream with the associated buffer. As such, the pond became part of the stream, and the pond also has wetland fringes resulting in both a stream buffer and a wetland buffer. The property owner would like to retain the pond to allow for the existing habitat. If the pond were required to be removed, a more extensive disturbance would be required.

When a subdivision is proposed on a site with a pond, the Soil Conservation District (SCD) is responsible for determining if the pond must be removed or if it may remain. This pond meets the Maryland MD-378 pond standard (by embankment height and storage volume only). The Howard SCD Board has determined the pond may remain only if it is modified to conform to non-MD-378 standards. This will require the embankment to be reduced by approximately 1-foot. As part of this process, SCD has required that an emergency spillway be defined to ensure safe conveyance of large flows.

Strict conformance with the requirement would impede the subdivision approval and deny the applicant of the right to use the development potential of the property over an issue that could also arise during standard

maintenance of the existing pond. Any maintenance of the pond riser or berm, or removal of the pond, requires disturbance to environmental 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 pond is existing and unique to the site. The practical difficulty arises in the need to perform maintenance on the pond, in the face of environmental disturbance limitations.

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

There would be no special privilege in this alternative compliance as any property with a pond will eventually need to perform maintenance. Many ponds develop wetland areas or lie within stream buffers (some of which are increased on occasion). These property owners will need to perform disturbance within environmental areas to maintain the pond.

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

There is no detriment to public health, safety, or welfare. By reducing the pond storage, the possibility of a pond breach, and a rapid release of the stored water will be reduced. The disturbance areas will be minimized and will be coordinated with the Maryland Department of the Environment via a permit application. Through that process and review by SCD, the project will be designed to provide best management practices to protect fish, wildlife, stream quality and downstream ecosystems and homes.

5. Disturbance is returned to its natural condition to the greatest extent possible;

The existing condition of the pond embankment is vegetated with grass and weeds. After the regrading, the area will be reseeded with grass and returned substantially to its current condition. The spillway will be stabilized with erosion control matting which will also establish a grassed condition in time.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and the modification is not detrimental to the public, health; safety or welfare, or injurious to other properties;

Sediment and erosion controls will be provided, along with best management practices for pond and waterway construction. Exhibits of the design will be submitted to MDE for review, in support of the MDE permit. In addition, Howard Soil Conservation District will review the plan.

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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.

The minimum amount of grading is proposed to meet the requirements of Howard Soil Conservation. The embankment disturbance will be stabilized with grass. No woody vegetation is allowed on embankment areas.

Directors Action: Approval of alternative compliance of Sections 16.116(a)(1) and 16.116(a)(2)(i) is subject to the following conditions:

1. The impact to the wetland buffer and stream buffer shall be limited to the disturbance necessary to reduce the embankment and provide the required emergency spillway. The LOD must be consistent with the approved Maryland Department of Environment permit.

2. The final supplemental plan for F-24-007 to show the LOD as approved as part of the Maryland Department of Environment permit, either with the initial signature approval of the Final Plan or through the redline revision process, must occur before receiving a grading permit for the pond embankment improvement.
3. The applicant shall obtain all required authorization and permits from the Maryland Department of the Environment of the U.S. Army Corps of Engineers for disturbances within the wetland buffer. The authorization number and date shall be included in a note on the final plan. The authorization must remain valid at the time of development.
4. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses and Permits and the Howard Soil Conservation District.
5. Compliance with all applicable County and State Regulations and obtaining all necessary permits are required before initiation of any alterations to the pond.

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Yosef Kebede

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Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

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Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DPW



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No. *NP-24-092*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Minor subdivision to create one new lot.
Subdivision Name/Property Identification: Spangler Property
Location of property: 12245 Howard Lodge Road, Sykesville, MD
Existing Use: Single Family Residential **Proposed Use:** Single Family Residential
Tax Map: 0009 **Grid:** 0012 **Parcel No:** 0123 **Election District:** 3
Zoning District: RR-DEO **Total site area:** 6.49

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-23-013

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
Subtitle 1, Article II, section 6.116.(a)	Request to allow disturbance within the wetland and stream buffers, to facilitate pond modifications required by Howard Soil Conservation District.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Tony Spangler* Date: 04/11/2024

Signature of Petitioner Preparer: *Alice Miller* Date: 04/11/2024

Name of Property Owner: Tony & Amy Spangler Name of Petition Preparer: Alice Miller

Address: 12245 Howard Lodge Road Address: 3300 North Ridge Road Suite 140

City, State, Zip: Sykesville, MD 21784 City, State, Zip: Ellicott City, MD 21043

E-Mail: tony.allen.spangler@gmail.com E-Mail: bei@bei-civilengineering.com

Phone No.: 410-926-5124 Phone No.: 410-465-6105

Contact Person: Tony Spangler Contact Person: Alice Miller

Owner's Authorization Attached

