

20. ALTERNATIVE COMPLIANCE (WP-20-088)

On May 7, 2020 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 a variance with respect to **Section 16.116(a)(1)** and **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations to restore a wetland and associated wetland buffer, to restore a perennial stream and associated 50 ft buffer, to construct SWM outfalls and to permit an existing stream crossing, auto repair building and driveway entrance to remain within the 50 ft stream buffer. Please see the attached Final Decision Action Report for more information.

On May 7, 2020 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of 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)** and **Section 16.1209(b)(1)** of the Subdivision and Land Development Regulations to remove three (3) specimen trees and to reduce the 75 ft minimum width requirement for Forest Conservation Easements along the perennial streams. Please see the attached Final Decision Action Report for more information.

On May 6, 2020 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)(2)** of the Subdivision and Land Development Regulations to construct two (2) outfalls within the 100-year floodplain.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c)(2) would result in unwarranted hardship. 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):

Section 16.115(c)(2) - No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain.

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

- Stormwater management specifications will be required on the site development plan. The use of non-structural practices will not be permitted since the site includes vehicle maintenance. No part of the stormwater management facilities will be permitted within an environmental area or buffer. Outfall pipes may be permitted on a case-by-case basis by DPZ as determined as part of the environmental concept plan and/or site development plan review process. All stormwater management devices shall be appropriately constructed, inspected and maintained in accordance with the approved plans.
- All driveways, parking areas and storage areas shall be constructed of asphalt or concrete surface and identified on the site development plan. The storage areas shall be square or rectangular shaped and clearly defined on the plan by dimension and use.
- The site development plan shall identify all existing and proposed utilities and their connections to public infrastructure. This includes house connections and associated meter locations. The proposed utility connections to the existing garage building shall be located entirely within the paved areas.

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

- Approval of a site development plan will be required for the proposed stream and wetland restoration and construction of the paved areas and associated site improvements. The site development plan shall demonstrate compliance with all Maryland Department of the Environment requirements for stream and wetland restoration and mitigation.
- The proposed stream crossing shall be the minimum width required for safe single-lane vehicular traffic. All remaining sections of the existing 24" HDPE pipe shall be removed from the stream channel, as shown on the alternative compliance plan exhibit.
- All equipment, storage materials, gravel and pavement shall be removed from the wetlands, streams and their required buffers. The existing garage building and adjacent concrete pad, existing driveway entrance and timber retaining wall will be permitted to remain within the stream buffer, as shown on the alternative compliance plan exhibit.
- The existing oil tank in the rear of the garage building shall be removed from within the 50' stream bank buffer. A replacement location shall be identified on the site development plan.
- The existing carport structure shall be removed from the wetland and 25' wetland buffer.
- All disturbed areas within the wetlands, wetland buffers and stream buffers shall be replanted with a mix of native canopy and understory trees. The species, density and planting specifications shall be approved by DPZ on a site development plan and shall be in accordance with the Forest Conservation Manual. The plantings will be bonded with a Developer Agreement and inspected for survivability as part of the site development plan approval.

AREA TABULATION CHART

- Total number of Buildable Lots to be recorded: 2
Total area of Buildable Lots to be recorded: 4.221 Acres±
- Total area of Public Road Right of Way to be recorded: 0 Acres
- Total area of Subdivision to be recorded: 4.221 Ac.±

Howard County Health Department
APPROVED: For Public Water and Public Sewage Systems

[Signature] 9/28/21
Howard County Health Officer Date

APPROVED: Howard County Department of Planning and Zoning

[Signature] 10-12-21
Chief, Development Engineering Division Date

[Signature] 10/19/21
Director Date

7. A permanent barrier shall be constructed along the edge of the proposed pavement adjacent to any stream buffer, wetland buffer or forest conservation easement to discourage encroachment or dumping within the environmental areas. The barrier shall consist of guardrail or chain-link fencing at least 6' in height with posts set in concrete and shall be installed in the locations shown on the alternative compliance plan exhibit. Construction details shall be included on the site development plan.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) and Section 16.1209(b)(1) is subject to the following conditions:

- Forest conservation for Lots 3 and 4 shall be addressed on the site development plan in accordance with Section 16.1202 of the Howard County Code. The forest conservation calculations will be based on the existing conditions prior to the unpermitted disturbance. Aerial photographs prior to 2017 can be used to determine the extent of the existing forest resources. The site contains priority areas for forest conservation and any obligation shall be satisfied onsite through the recordation of forest conservation easements. A forest stand delineation and forest conservation plan will be required as part of the site development plan.
- The reduction of the minimum 75' width requirement for forest conservation easements along the perennial streams, per Section 16.1209(b)(1), is permitted as shown on the alternative compliance plan exhibit. All on-site sensitive areas including floodplain, wetlands, wetland buffers and stream buffers shall be protected within forest conservation easements, except for the existing driveway entrance and timber retaining wall, existing 20' sewer right-of-way, proposed stream crossing and stormwater management outfalls as shown on the plan exhibit.
- The removal of the three specimen trees (ST #2, #3 and #5) is permitted as shown on the alternative compliance plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. The developer shall plant six 3" minimum-caliper native shade trees in addition to the required wetland and stream buffer restoration plantings to mitigate the removal of the three specimen trees. The six trees shall be planted within the proposed forest conservation easements to ensure long-term protection. All necessary planting details shall be included on the site development plan. These trees will be bonded along with the required restoration plantings as part of the Developer Agreement.
- The applicant shall coordinate with the owner of adjacent Parcel 586 to restore the offsite wetland and existing forest conservation easement to its previous condition through the removal of gravel and replanting of forest resources. Planting details shall be included on the site development plan. The plantings will be bonded with a Developer Agreement and inspected for survivability as part of the site development plan approval. Written authorization from the owner of Parcel 586 shall be submitted to DPZ with the site development plan.

PROPERTY BOUNDARY COORDINATE TABLE

NO.	NORTHING	EASTING
101	545,816.847	1,377,402.701
102	545,928.376	1,377,346.254
103	546,039.906	1,377,289.807
104	546,378.019	1,377,943.370
105	546,266.275	1,377,999.407
106	546,154.532	1,378,055.444

Floodplain Line Table		Floodplain Line Table		Floodplain Line Table	
Line #	Bearing	Line #	Bearing	Line #	Bearing
FP01	9.238 S70° 54' 26.98"E	FP11	23.647 N66° 04' 50.55"E	FP21	20.234 N42° 31' 35.97"E
FP02	23.449 S29° 20' 29.48"E	FP12	12.329 N28° 23' 59.40"W	FP22	36.889 N71° 23' 17.33"E
FP03	7.753 N63° 22' 49.50"E	FP13	37.811 N63° 49' 58.64"E	FP23	28.107 S58° 46' 51.10"E
FP04	32.122 N64° 41' 12.33"E	FP14	12.143 S34° 16' 04.15"E	FP24	20.889 S84° 18' 49.91"E
FP05	51.211 N59° 39' 13.66"E	FP15	7.727 N62° 41' 02.23"E	FP25	1.426 S75° 41' 13.10"E
FP06	79.445 N89° 49' 01.16"E	FP16	13.684 N02° 12' 18.82"E	FP26	7.717 S69° 19' 56.48"E
FP07	102.470 N72° 22' 17.72"E	FP17	41.847 N51° 39' 02.17"E	FP27	4.992 S77° 34' 46.25"E
FP08	43.234 N25° 59' 44.09"E	FP18	73.716 N46° 48' 41.35"E	FP28	13.919 N79° 16' 53.76"E
FP09	24.999 N57° 47' 42.30"E	FP19	26.176 N84° 05' 29.43"E	FP29	2.996 N79° 16' 53.76"E
FP10	19.301 S66° 44' 50.75"E	FP20	62.957 N70° 58' 56.25"E	FP30	3.478 S85° 29' 29.06"E

NOTE: FP17, FP16, FP15, FP8 and FP9 are shared/coincidental lines between Floodplain and Forest Conservation.

The Requirements § 3-106, The Real Property Article, Annotated Code of Maryland, 1999 Replacement Volume, (As supplemented) as far as they relate to the making of this Plat and the Setting of Markers have been complied with.

[Signature] 08/30/21
Mohammad Najib Roshan (Pro. Land Surveyor #11049) Date

[Signature] 08/30/21
Walter Palencia, 7461 Montevideo Road, LLC Date

OWNER'S CERTIFICATE

I, Walter Palencia, 7461 Montevideo Road, LLC, owner of the property shown and described hereon, hereby adopt this plan of subdivision, and in consideration of the approval of this final plat by the Department of Planning and Zoning, establish the minimum building restriction lines and grant unto Howard County, Maryland, its successors and assigns: (1) The right to lay, construct and maintain sewers, drains, water pipes and other Municipal utilities and services in and under all road and street Rights-of-Way and the specific easement areas shown hereon; (2) The right to require dedication for Public use the beds of the streets and/or roads and Floodplains and Open Space where applicable and for good and other valuable consideration hereby grant the right and option to Howard County to acquire the Fee Simple Title to the beds of the streets and/or roads and Floodplains, Storm Drainage Facilities and Open Space where applicable; (3) The right to require dedication of Waterways and Drainage easements for the specific purpose of their construction, repair and maintenance; And (4) That no building or similar structure of any kind shall be erected on or over said Easements and Rights-of-Way.

Witness my hand this 30th day of August, 2021.

[Signature]
Walter Palencia, 7461 Montevideo Road, LLC

[Signature]
Ivis Tapares
Witness

Reservation Of Public Utility And Forest Conservation Easements

Developer reserves unto itself, its successors and assigns, all easements shown on this plan for water, sewer, storm drainage, other public utilities and forest conservation (designated as "Forest Conservation Easement") located in, on, over, and through lots 3 and 4, any conveyances of the aforesaid lots shall be subject to easements herein reserved, whether or not expressly stated in deed(s) conveying said lot(s). Developer shall execute and deliver deeds for easements herein reserved to Howard County, with a Metes and Bounds Description of forest conservation area, upon completion of the public utilities and their acceptance by Howard County, and, in the case of the forest conservation easement(s), upon completion of the Developer's obligation under the Forest Conservation Installation and Maintenance Agreement executed by Developer and the county, and the release of Developer's surety posted with said agreement, the county shall accept the easements and record the deed(s) of easement in the land records of Howard County."

GEODETIC SURVEY CONTROL

Denotes Howard County Geodetic Control (Stamped brass or aluminum disc set on top of a 3' deep column of concrete.)

43ED-N 548,525.015 E 1,376,023.094
(NAD 83/91) Elev. 210.200 (NGVD 88)

43EE-N 545,238.207 E 1,377,580.450
(NAD 83/91) Elev. 192.103 (NGVD 88)

Wetlands Line Table

Line #	Distance	Bearing
W01	0.721	N62° 29' 12.61"W
W02	36.416	N58° 53' 07.47"E
W03	19.083	N60° 46' 41.44"E
W04	7.840	N08° 33' 45.73"W
W05	7.993	N19° 43' 13.54"E
W06	7.615	N28° 04' 37.63"E
W07	7.623	N41° 19' 29.83"E
W08	7.971	N53° 27' 29.47"E
W09	9.585	N70° 05' 41.31"E
W10	11.390	N82° 12' 54.44"E
W11	12.988	N86° 29' 42.91"E
W12	7.628	N81° 21' 23.73"E
W13	9.783	N75° 01' 39.08"E
W14	8.960	N67° 10' 53.08"E
W15	14.296	N55° 45' 24.76"E
W16	3.932	N38° 21' 36.18"E
W17	4.818	N23° 35' 32.33"E
W18	2.988	N14° 43' 59.29"E
W19	2.712	N50° 03' 06.80"W
W20	18.070	N85° 48' 36.19"E
W21	3.030	S63° 41' 38.65"W
W22	17.976	S14° 48' 08.75"W

Forest Conservation Line Table

Line #	Distance	Bearing	Line #	Distance	Bearing
F01	78.151	S26° 37' 58.06"E	F18	56.512	S52° 36' 33.96"W
F02	242.273	S81° 27' 46.30"W	F19	3.885	S52° 39' 07.78"W
F03	230.308	N62° 38' 44.72"E	F20	2.008	S59° 44' 16.44"W
F04	487.398	N62° 38' 44.72"E	F21	2.035	S61° 42' 03.82"W
F05	245.494	N81° 27' 46.30"W	F22	36.075	S60° 43' 33.70"W
F06	52.231	S26° 37' 58.06"E	F23	18.922	S74° 44' 22.15"W
F07	5.858	S63° 22' 01.94"W	F24	57.787	S74° 44' 22.15"W
F08	2.996	N79° 16' 53.76"E	F25	14.919	S66° 18' 02.37"W
F09	3.478	S85° 29' 29.06"E	F26	101.374	S58° 12' 10.36"W
F10	95.971	S26° 37' 58.06"E	F27	76.421	S63° 06' 23.16"W
F11	90.830	S62° 38' 45.81"W	F28	37.387	S54° 58' 16.33"W
F12	91.253	N27° 21' 14.19"W	F29	12.668	S60° 43' 33.70"W
F13	71.228	N52° 47' 11.36"E	F30	14.775	N64° 06' 53.03"W
F14	2.818	N79° 16' 53.76"E	F31	52.276	N09° 35' 45.59"W
F15	4.992	N77° 34' 46.25"E	F32	10.000	S80° 01' 09.47"W
F16	7.717	N69° 19' 56.48"E	F33	55.402	S09° 37' 33.47"E
F17	1.426	N75° 41' 13.10"W	F34	140.676	S62° 38' 45.26"W

Forest Conservation Line Table

Line #	Distance	Bearing	Line #	Distance	Bearing
F35	44.538	S71° 59' 08.54"W	F52	9.375	S59° 06' 33.83"W
F36	22.323	S83° 34' 15.24"W	F53	39.026	S61° 15' 50.73"W
F37	54.156	S83° 43' 19.20"W	F54	37.165	S65° 03' 41.69"W
F38	4.370	N26° 50' 41.00"W	F55	20.095	S62° 55' 32.50"W
F39	5.000	N63° 09' 19.00"E	F56	51.280	S54° 47' 45.04"W
F40	20.000	N26° 50' 41.00"W	F57	8.087	S54° 41' 34.25"W
F41	5.000	S63° 09' 19.00"W	F58	4.375	S27° 38' 32.64"W
F42	45.953	N26° 50' 41.00"W	F59	37.405	S17° 21' 12.82"W
F43	1.510	N23° 13' 56.30"W	F60	26.198	S14° 10' 27.53"W
F44	21.137	N23° 13' 56.30"W	F61	31.145	S71° 40' 52.59"W
F45	28.519	N23° 13' 56.30"W	F62	8.928	S72° 03' 23.02"W
F46	5.021	N67° 34' 52.31"E	F63	8.622	S60° 32' 42.66"W
F47	16.601	N21° 10' 31.91"W	F64	9.660	S53° 07' 26.77"W
F48	5.000	N23° 25' 19.46"W	F65	8.237	S43° 06' 43.01"W
F49	24.956	N68° 44' 40.48"E	F66	11.399	S36° 46' 58.08"W
F50	17.178	N21° 39' 01.55"E	F67	18.410	S22° 09' 58.26"W
F51	31.876	N27° 55' 05.83"E	F68	14.073	S17° 40' 33.53"W
			F69	7.229	S62° 38' 45.80"W
			F70	72.002	S62° 38' 45.80"W
			F71	17.000	S27° 21' 14.20"E
			F72	315.817	S62° 38' 45.81"W

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed land surveyor under the laws of the State of Maryland, License No. #11049, Expiration Date: 2/10/2023.

FSH Associates
Engineers Planners Surveyors
6339 Howard Lane Elkridge, MD 21075
Tel: 410-587-5200 Fax: 410-798-1582
E-mail: info@fsheri.com

PURPOSE NOTE

The purpose of this plat of revision is to depict and record Public Forest Conservation Easements, a Public 100-Year Floodplain, Drainage & Utility Easement and onsite streams, wetlands and associated buffers.

SURVEYOR'S CERTIFICATE

I hereby certify that the final plat shown hereon is correct; that it is a subdivision of all of the lands conveyed by Gary Beachum, personal representative of the estate of Alice O. Beachum, to 7461 Montevideo Road LLC, a Maryland Limited Liability Company by deed dated March 7, 2017 and recorded in the Land Records of Howard County in Liber 17487 Folio 377, and that all monuments are in place or will be in place prior to the acceptance of the streets in the subdivision by Howard County as shown, in accordance with the Annotated Code of Maryland, as amended.

[Signature] 08/30/21
Mohammad Najib Roshan (Pro. Land Surveyor #11049) Date

Recorded as Plat No. 25893 on 10-26-21
Among the Land Records of Howard County, Maryland.

PLAT OF REVISION

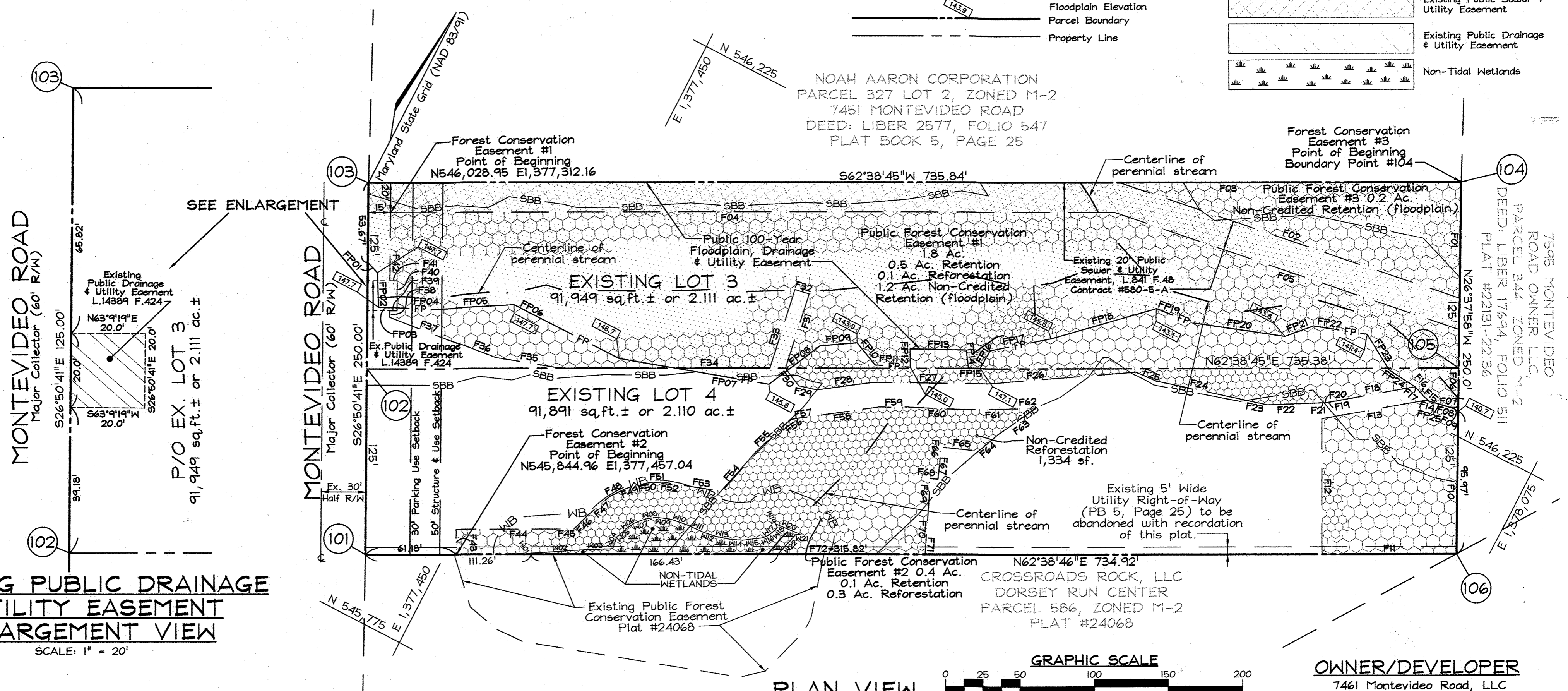
ELLA L. McADOO
SUBDIVISION LOTS 3 & 4

PLAT BOOK 5, PAGE 25
ZONED: M-2
TAX MAP 43 GRID 16 PARCEL 96
1ST ELECTION DISTRICT
HOWARD COUNTY, MARYLAND

Scale: As Shown
Date: August 25, 2021
Sheet 1 of 2

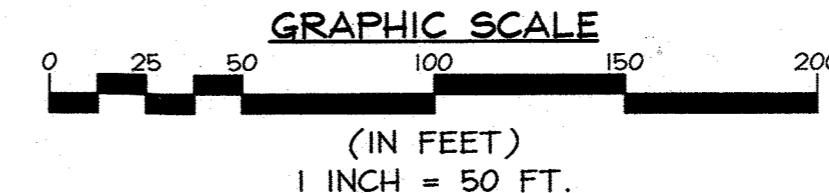
LEGEND

	Building Restriction Line (BRL)		Public Forest Conservation Easement Retention Area
	Adjacent Off-site Property Line		Public Forest Conservation Easement Reforestation Area
	Floodplain Line		Public 100-Year Floodplain, drainage & utility easement
	SBB 50' Stream Bank Buffer		Existing Public Sewer & Utility Easement
	Stream Centerline		Existing Public Drainage & Utility Easement
	W Wetlands		Non-Tidal Wetlands
	WB 25' Wetlands Buffer		
	Parcel Boundary		
	Property Line		



EXISTING PUBLIC DRAINAGE & UTILITY EASEMENT ENLARGEMENT VIEW
 SCALE: 1" = 20'

PLAN VIEW
 SCALE: 1" = 50'



OWNER/DEVELOPER
 7461 Montevideo Road, LLC
 7461 Montevideo Road
 c/o Ivis Tapanes
 2842 Stuart Drive
 Falls Church, VA 22042
 Tel: 703-538-0992

The Requirements § 3-108, The Real Property Article, Annotated Code of Maryland, 1999 Replacement Volume, (As supplemented) as far as they relate to the making of this Plat and the Setting of Markers have been complied with.

Mohammad Najib Roshan
 Mohammad Najib Roshan (Pro. Land Surveyor #11049) Date 08/30/21

Walter Palencia
 Walter Palencia, 7461 Montevideo Road, LLC Date 08/30/21

PROFESSIONAL CERTIFICATION
 I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed land surveyor under the laws of the State of Maryland, License No. #11049, Expiration Date: 2/10/2023.

FSH Associates
 Engineers Planners Surveyors
 6339 Howard Lane Elkridge, MD 21075
 Tel: 410-567-5200 Fax: 410-796-1562
 E-mail: info@fsheri.com

PURPOSE NOTE
 The purpose of this plat of revision is to depict and record Public Forest Conservation Easements, a Public 100-Year Floodplain, Drainage & Utility Easement and onsite streams, wetlands and associated buffers.

AREA TABULATION CHART

- Total number of Buildable Lots to be recorded: 2
 Total area of Buildable Lots to be recorded: 4.221 Acres ±
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- Total area of Subdivision to be recorded: 4.221 Ac. ±

Howard County Health Department
 APPROVED: For Public Water and Sewerage Systems

Richard J. Davis
 Richard J. Davis, Howard County Health Officer Date 9/24/21

APPROVED: Howard County Department of Planning and Zoning

Chad Edwards
 Chad Edwards, Chief, Development Engineering Division Date 10-12-21

Walter Palencia
 Director Date 10/18/21

OWNER'S CERTIFICATE

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Witness my hand this 30th day of August, 2021.

Walter Palencia
 Walter Palencia, 7461 Montevideo Road, LLC

Jis Tapanes
 Jis Tapanes, Witness

SURVEYOR'S CERTIFICATE

I hereby certify that the final plat shown hereon is correct; that it is a subdivision of all of the lands conveyed by Gary Beachum, personal representative of the estate of Alice O. Beachum, to 7461 Montevideo Road LLC, a Maryland Limited Liability Company by deed dated March 7, 2017 and recorded in the Land Records of Howard County in Liber 17487 Folio 377, and that all monuments are in place or will be in place prior to the acceptance of the streets in the subdivision by Howard County as shown, in accordance with the Annotated Code of Maryland, as amended.

Mohammad Najib Roshan
 Mohammad Najib Roshan (Pro. Land Surveyor #11049) Date 08/30/21

Recorded as Plat No. 25894 on 10-26-21
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ELLA L. McADOO
SUBDIVISION LOTS 3 & 4

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