



# 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

April 24, 2020

Mr. Donald R. Reuwer Jr.  
Land Design Development  
8318 Forest Street, Suite 200  
Ellicott City, MD 21043

RE: WP-20-013 Pierce Property  
Approval

Dear Mr. Reuwer:

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 2, 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)** of the Subdivision and Land Development Regulations to remove 9 specimen trees in order to provide access to and develop the property with 6 single family detached lots and an open space lot to be dedicated to Howard County. Please see the attached Final Decision Action Report for more information.

On April 20, 2020, and pursuant to Section 16.104, the Director of Planning and Zoning considered and **approved** your request for alternative compliance with respect to **Sections 16.121(a)(2)\*\* and Section 16.120(c)(2)** of the Subdivision and Land Development Regulations to reduce the minimum lot size to 14,000 square feet and dedicate 30% of the gross acreage (1.78 acres) as open space to Howard County containing a stream, wetlands and steep slopes and to allow the existing house to continue access through Parcel 36 to Scaggsville Road instead of from its public road frontage onto Leslie drive.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.121(a)(2)\*\* and Section 16.120(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):

**16.121(a)(2) \*\*** - Allowing a minimum 18,000 square foot optional lot size for R-20 infill subdivisions of 10 or fewer lots that propose environmental features to be dedicated to the County as open space.

**16.120(c)(2)**- Requiring access for single-family detached lots to be provided at the public road frontage.

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

Maintaining the 18,000 sq.ft. lot size is inconsistent with the size of the adjacent Rosemont Subdivision, which include 14,000 SF single family lots. The applicant is seeking to maximize the open space lot area to fully contain the stream, the wetlands and their buffers and steep slopes. Not allowing the reduction of the lot sizes to 14,000 sq.ft will force the applicant to revert to the alternative proposal with no reduction in lots sizes and the environmental features are placed on the buildable lots.

Approving this alternative compliance will allow for placement of the environmental features on a Howard County dedicated Open Space Lot, will ensure maximum protection for the stream, wetland their buffers and the steep slopes, and will allow the applicant the same rights commonly enjoyed by adjacent properties.

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**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;**

Pierce Property ECP-19-056 is 3.94 acres, has environmental features consisting of a stream and wetlands, their associated buffers and steep slopes. The proposed lot layout places all the environmental features on Open Space lot 7. Howard County Department of Recreation and Parks determined that they will be taking ownership of the open space. This reduces the amount of buildable space remaining, constraining the available location for the extension of Leslie Drive and placement of the buildable lots.

The existing access was established in the 1970's before Leslie Drive was constructed and strict compliance with the regulations would require the demolition of the existing home. The access point through the Parcel to the south was the only option at the time. The proposed layout provides the required fee simple frontage onto the proposed use in common driveway onto Leslie Drive. It also adds lot 4 as a beneficiary to the proposed shared driveway (in case future owners decide to demolish the house and build a new one). Approval of relief will only apply to the existing house and it will not apply if a new house is constructed. A note on the plat and the SDP will be added stipulating this condition. Approval will only apply to the existing house.

An alternate layout was explored which proposed 20,000 sq.ft. lots and placed environmental features on the lots. This proposal met the current regulations; however, it did not provide the maximum protection for the environmentally sensitive features and will deny the county the opportunity to protect these unique features. Reverting to the alternative layout with 18,000 sq.ft. lots will not provide the maximum protection of the environmental features by placing portions of the features on the private lots. This would also limit the future homeowners use of the buildable area because of the required 35' building setback from those environmental features.

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

Surrounding lots are already developed using 14,000 SF lots, so approval would not grant the applicant special privileges denied to others. It will allow the applicant to enjoy the same privileges as the surrounding development. Approval of the alternative compliance will be beneficial to the public interest since approving the alternative compliance will in no way nullify the intent of the regulations. Approval will allow for the creation of a more uniform and homogenous lot layout while maximizing the open space, forest conservation easement and protecting the stream, wetlands, their buffers and the steep slopes.

Permitting continued access through an existing easement does not create a new privilege. Approval merely allows a pre-existing condition to continue until such time as a new house might be constructed. Approval of the alternative compliance will be beneficial to the public interest since approving the alternative compliance will in no way nullify the intent of the regulations. It will allow the existing house to have its access from the front which is more aesthetically pleasing.

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

Approval of the alternative compliance is not detrimental to the public health, safety or welfare, or injuries to other properties as the open space and infill requirements intent is to create a more homogeneous lot design that fits with the existing neighborhood and create open space lots containing environmentally protected features. The current layout achieves this and satisfies the intent of the subdivision regulations.


Approval of this alternative compliance is subject to the following conditions:

1. Include the Alternative Compliance application file number WP-20-013, date of approval and conditions of approval on all related plan submissions.
2. Approval of relief of **Section 16.120(c)(2)** only applies to lot 6 and the existing house. Include a General Note on the Final Plan and Plat that mandates should the existing house be demolished or destroyed, and a new house built, the access through Parcel 36 expires and the lot shall gain access to Leslie Drive via the shared driveway. Include that a Plat of Revision may be needed to change the house orientation and setbacks.
3. The environmental features must be wholly contained within an open space lot that is dedicated to the Howard County Department of Recreation and Parks.
4. All removed specimen trees shall be replaced with native trees of 3" caliper at a 2:1 ratio. Show the replacement trees with a note referencing WP-20-013 on future plan submissions.
5. All future plan submissions shall clearly label the remaining specimen trees and include a note requiring the specimen trees be maintained in perpetuity. Further, should a specimen tree perish, replacement trees of 4" caliper or greater shall be planted at 2:1 as mitigation and a redline to the approved SDP shall be processed to reflect the changes.
6. Include the tree preservation methods outlined in the February 16, 2020 recommendations letter from T.D. Mayer Consulting on the site development plans and construction drawings.
7. The sequence of operation shall include contacting DPZ staff to be present to observe and verify root pruning, deep root fertilization, and post construction tree protections.

This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or 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](mailto:ddepres@howardcountymd.gov).

Sincerely,

  
Anthony Cataldo, AICP, Chief  
Division of Land Development

Attachment: Final Decision Action Report

cc: Research  
DED  
OCS, Joshua Feldmark  
DRP, Raul Delerme

MBA



# 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 5, 2020

Mr. Donald R. Reuwer Jr.  
Land Design Development  
8318 Forest Street, Suite 200  
Ellicott City, MD 21043

RE: WP-20-013 Pierce Property  
Deferral – New Application Required

Dear Mr. Reuwer:

Please be advised that CB-61-2019 and CB-62-2019 established new review and approval criteria for alternative compliance petitions submitted for relief of any section within Articles II or III of the Subdivision and Land Development Regulations. The Department of Planning and Zoning has determined that the above project does not meet the grandfathering requirements established in Section 16.102(h) of the Subdivision and Land Development Regulations; therefore no action can be taken on the above referenced application. A new application needs to be submitted under the new review and approval criteria outlined in CB-61-2019 and CB-62-2019.

Please follow this link to the application and instructions for submittal: <https://www.howardcountymd.gov/Departments/Planning-and-Zoning/Application-Forms-and-Fees> Two copies of the new application, supplemental information and exhibit/plan are required for the resubmission. No additional fees will be charged, unless additional sections are added to the petition request.

Please address any comments previously received with the new application.

The requested new application and required supporting documentation must be submitted to this Division within **45 days** of the date of this letter (**on or before March 21, 2020**), or this Division will recommend that the Planning Director deny this alternative compliance petition.

Please contact Judy Edwards at 410-313-4351 or email [juedwards@howardcountymd.gov](mailto:juedwards@howardcountymd.gov) to schedule a submission appointment.

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. Be advised that alternative compliance requests to 16.116 and 16.1200 also require joint agency action.

If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans/information. Compliance with all items indicated above is required before the revised plans/information will be accepted.

**Please bring a copy of this letter with you to your submission appointment.**

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at [ddespres@howardcountymd.gov](mailto:ddespres@howardcountymd.gov).

Sincerely,



Jill Manion, Acting Chief  
Division of Land Development

JM/DD

cc: Research  
Real Estate Services  
MBA  
ECP-19-058  
DED – James Witmer