



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

June 29, 2020

Joseph J. Duff
LKQ Corporation
8125 Washington Blvd
Jessup, MD 20794

RE: WP-20-048 LKQ 'Pick Your Part'
Reconsideration Request

Dear Mr. Duff:

This letter is to inform you that your request for reconsideration for an alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On June 29, 2020 and pursuant to Section 16.116(d), the Director of the Department of Planning & Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **denied** you request for reconsideration of the previous decision with respect to alternative compliance of **Section 16.115(c)** and **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations to construct a pollution control system within the 100-year floodplain and 50' stream bank buffer.

Each Department hereby determines that you have not demonstrated to its satisfaction that strict enforcement of the above-cited regulations would result in a practical difficulty or unreasonable hardship. This determination is made with consideration of your original alternative compliance application, the items you were required to address, pursuant to Section 16.104(a)(i) and 16.116(d) and as outlined in the original decision letter dated April 6, 2020, and the additional information you provided in a letter dated April 27, 2020.

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

DocuSigned by:

Amy Gowan

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Jim Irvin

Jim Irvin, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
DPW- Jim Irvin, Thomas Meunier
OCS- Joshua Feldmark
Fisher, Collins & Carter, Inc.



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 6, 2020

Joseph J. Duff
LKQ Corporation
8125 Washington Blvd
Jessup, MD 20794

RE: WP-20-048 LKQ 'Pick Your Part'

Dear Mr. Duff:

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.

As of the date of this letter, the Director of the Department of Planning and Zoning, the Director of the Department of Public Works and the Administrator of the Office of Community Sustainability **denied** your request for an alternative compliance of **Section 16.115(c)** and **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations to construct a pollution control system within the 100-year floodplain and 50' stream bank buffer.

Each Department hereby determines that you have not demonstrated to its satisfaction that strict enforcement of the above-cited regulations would result in a practical difficulty or unreasonable hardship. This determination is made with consideration of your alternative compliance application and the items you were required to address, pursuant to Section 16.104.(a)(i) and 16.116(d):

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

The placement of bioswales and oil/grit separators, grading, clearing, excavating or altering drainage is not permitted within the 100-year floodplain or 50' stream bank buffer.

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.

There are no unique or topographic conditions that would result in a practical difficulty if the variance was not granted. Further, the property contains area outside of the 100-year floodplain and 50' stream bank buffer that would allow for the construction of a pollution control system.

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

Since the Department is not granting the variance, no special privilege is conferred.

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

The proposed modification could be detrimental to the public health, safety or welfare because The proposed system will collect pollutants within the 100-year floodplain directly adjacent to Dorsey Run,

where they will be in a position to be washed into Dorsey Run during rain events. Under its MS4 NPDES permit, the County must “effectively prohibit pollutants in stormwater discharges or other unauthorized discharges”. County Code Section 18.501(d) defines “discharge” as “the placing of a pollutant in a location where the pollutant is likely to pollute”. Additionally, County Code Section 18.502 states “a person shall not discharge or cause or allow to be discharged any pollutant or non-stormwater discharge into a storm drainage facility or waterway, which shall contaminate or otherwise alter the physical, chemical or biological properties of any water conveyed to a storm drainage facility”. By definition a “waterway” includes the stream and its floodplain.

5. Disturbance is returned to its natural condition to the greatest extent possible. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

The alternative compliance plan does not include any mitigation for the proposed disturbance such as the removal of existing gravel and motor vehicles within the environmental areas, planting of trees/vegetation or other measures that would return the land to its natural condition and minimize adverse impacts to water quality, wildlife or vegetative habitat.

6. 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 alternative compliance plan does not include any other alternatives for controlling the polluted runoff onsite or evidence for why this proposal results in the minimum grading and construction necessary within the floodplain and stream bank buffer to effectively control the polluted runoff.

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

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Jim Irvin

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Jim Irvin, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
DPW- Jim Irvin
OCS- Joshua Feldmark
Fisher, Collins & Carter, Inc.



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

January 15, 2020

Baltimore Auto Recycling
8125 Washington Blvd.
Jessup, MD 20794

RE: WP-20-048 LKQ- Pick Your Part

Dear Sir/Madam:

Regarding the above referenced alternative compliance petition, this Division is advising you that no action can be taken until the enclosed comments have been addressed, and the requested additional information is provided.

Copies of the exhibit/plan and the 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: 5 copies

The requested information and **revised plans** must be submitted to this Division within **45 days** of the date of this letter (**on or before February 29, 2020**), or this Division will recommend that the Planning Director deny this alternative compliance petition.

Please contact Judy Edwards at 410-313-2350 or email juedwards@howardcountymd.gov to schedule a submission appointment for this plan.

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/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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

Acting Chief
Division of Land Development

Enclosures: DLD comments
cc: Research
Real Estate Services
Fisher, Collins and Carter, Inc.

Department of Planning and Zoning- Division of Land Development
January 15, 2020

RE: WP-20-048 LKQ- Pick Your Part- Alternative Compliance request to Section 16.115(c) and Section 16.116(a)(2)(iv) of the Subdivision and Land Development Regulations

Planner: Eric Buschman- 410-313-0729- ebuschman@howardcountymd.gov

Please address the following comments and submit revised information to DPZ:

1. Provide more information on the proposed pollution control devices. Include construction details describing the proposed materials, sizes, depth, etc. How will the devices capture the sediment, antifreeze, petroleum-based fluids, etc? Is routine maintenance required to keep the systems functioning properly?
2. The proposed improvements will require approval of a Site Development Plan in accordance with Section 16.155(a)(1) of the Subdivision and Land Development Regulations.
3. Revise the plan to show a 50' stream bank buffer in accordance with Section 16.116(a)(2)(iv).

eb/altcompliance/WP20048LKQPickYourPart

DEPARTMENT OF PLANNING AND ZONING
DEVELOPMENT ENGINEERING DIVISION

January 9, 2020

RECEIVED
JAN 08 11:11 AM
Division of Land Development
Department of Planning & Zoning

TO: Jill Manion, Acting Chief
Division of Land Development

FROM: Chad Edmondson, Chief *CE*
Development Engineering Division

Project Engineer: _____ Nicole Ming Yan _____

RE: DP&Z File #: _____ WP-20-048 _____

_____ LKQ Pick Your Part _____

After review of the submitted information requesting a waiver of the Subdivision and Land Development Regulations, Section 16.115.(c)(1), which requires that no materials of any kind shall be stored in a floodplain either temporarily or permanently; Section 16.115.(c)(2), which requires that no clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning; & Section 16.116.(a)(2)(iii), which requires that grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within 100ft of a perennial stream bank for Use III and IV streams, this Division recommends this request be **DEFERRED**. Provide adequate details and justification for the waiver application.



DPZ Office Use only:
 File No. *WP-20-048*
 Date Filed *2/28/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: The LKQ Pick Your Part Salvage (Junk) Yard

Subdivision Name/Property Identification: LKQ Pick Your Part

Location of property: 8125 Washington Boulevard, Jessup 20794

Existing Use: Salvage Yard **Proposed Use:** Salvage Yard

Tax Map: 43 **Grid:** 14 **Parcel No:** 352 **Election District:** Sixth

Zoning District: CE-CLI **Total site area:** 10.39

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:

NCU-17-004, SDP-18-037, This Alternative Compliance Application is a re-submission of WP-20-048

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.

Section Reference No.	Brief Summary of Request
16.115(c) (1)	To construct a pollution control system within the 100-year floodplain.
16.115(c) (2)	To construct a pollution control system within the 100-year floodplain.
16.116(a)(2)(iv)	To disturb ground and construct pollution control system within the 50' stream bank buffer.

Signature of Property Owner:

Joseph J. Duff

Date:

2/27/20

Signature of Petitioner Preparer:

Frank Manalansan II

Date:

2/27/20

Name of Property Owner: Joseph J. Duff

Name of Petition Preparer: Fisher Collins, and Carter Inc.

Address: 8125 Washington Boulevard

Address: 10272 Baltimore National Pike

City, State, Zip: Jessup, Maryland 20794

City, State, Zip: Ellicott City, MD 21042

E-Mail: kmkeebler@lkqcorp.com

E-Mail: frankm@fcc-eng.com

Phone No.: 1-813-210-4435

Phone No.: 410-461-2855

Contact Person: Kent Keebler

Contact Person: Frank Manalansan II, L.S.

Owner's Authorization Attached