



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Voice/Relay

FAX 410-313-3467

April 7, 2020

Mr. Robert Pinto  
13185A Highland Road  
Highland, Maryland 20777

RE: WP-20-082, Sullivan Property

Dear Mr. Pinto:

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, 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 four specimen trees in order to provide access to and develop the property with a single-family detached dwelling.

Each Department hereby determines that you have demonstrated to its satisfaction that strict enforcement of the above-cited regulations would result in unwarranted hardship. This determination is made with consideration of your variance application and the seven (7) items you were required to address, pursuant to Section 16.1216(c)(1)-(7):

**1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

The vacant parcel could not meet percolation requirements because of topographical constraints so the parcel was reconfigured to accommodate an acceptable septic reserve area. The four specimen trees are at the parcel frontage adjacent to the septic reserve area and shared driveway. The property frontage cannot accommodate the septic reserve area and driveway without impacting the health or removing the specimen trees.

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

A new single-family detached dwelling cannot be constructed without a septic reserve area and driveway access.

**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.

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

Adjacent parcels are developed with single-family dwellings. Granting the variance will allow this parcel to be developed with one single-family dwelling similarly to vicinal properties. The parcel does not have subdivision potential.

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

Previously, the parcel could not meet requirements for an acceptable septic reserve area and was non-developable. The former property owner received land from the adjoining developed parcel and reconfigured the property to accommodate a septic reserve area. The physical and topographical constraints of the parcel limit the developable area. The current owner did not create the design of the parcel and the approvable location of the septic reserve area is a product of the underlying soils.

**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.**

There is no evidence that the condition is related to a neighboring property.

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

1. The approval of this alternative compliance request is for specimen trees #3-6 as shown to be removed on the plan exhibit. The removal of any other specimen tree on the property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
2. The removal of the specimen trees requires mitigation. For each specimen tree removed two native shade trees with a DBH (diameter at breast height) of at least three inches shall be planted, totaling eight shade trees. The planted trees must be shown on the Environmental Concept Plan and a \$2,400 landscaping surety is required to be posted with the grading permit. Howard County will conduct an inspection to verify completion of the plantings. A \$100 landscape inspection fee must be paid to Planning and Zoning prior to approval of the Environmental Concept Plan.
3. The applicant must receive approval of the Environmental Concept Plan and a Grading Permit prior to removing specimen trees #3-6.
4. The owner is responsible for long term maintenance of the plantings. The plantings should be maintained in good growing condition, and if necessary, replanted with new plant materials if the trees should not survive.

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 Julia Sauer at (410) 313-2350 or email at [jsauer@howardcountymd.gov](mailto:jsauer@howardcountymd.gov).

DocuSigned by:  
*Amy Gowan*  
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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Raul Delerme*

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Raul Delerme, Director  
Department of Recreation and Parks

DocuSigned by:

*Josh Feldmark*

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Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
DED  
OCS, Joshua Feldmark  
DRP, Raul Delerme  
Vogel Engineering & Timmons Group



DPZ Office Use only:  
 File No. *WP-20-082*  
 Date Filed *2/24/20*

**ALTERNATIVE COMPLIANCE APPLICATION**

Site Description: *SULLIVAN PROPERTY LOT 3 (CREATED BY ADJOINER DEEDS)*

Subdivision Name/Property Identification: *SULLIVAN LOT 3*

Location of property: *13185-A HIGHLAND ROAD*

Existing Use: *VACANT* Proposed Use: *RESIDENTIAL SFD*

Tax Map: *34* Grid: *21* Parcel No: *237* Election District: *5TH*

Zoning District: *RR-DEO* Total site area: *5.72 ac*

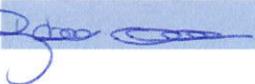
Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

*WP-17-050 - WAIVER ADJOINER DEED PROCESS*  
*GP-19-099*  
*BA-19-031V*

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
<i>16.1205(a)(3)</i>	<i>FOREST CONSERVATION ACT. REMOVAL OF SPECIMEN TREES REMOVE 4 OF 6 EXISTING SPECIMEN TREES FOR DRIVEWAY AND SEPTIC USE</i>

Signature of Property Owner:  Date: 2/19/20

Signature of Petitioner Preparer:  Date: 2/20/20

Name of Property Owner: ROBERT PINTO Name of Petition Preparer: VOGEL ENGINEERING+  
TIMMONS GROUP

Address: 13185A HIGHLAND ROAD Address: 3300 N. RIDGE RD, SUITE 110

City, State, Zip: HIGHLAND, MD 20777 City, State, Zip: ELLICOTT CITY, MD 21043

E-Mail: rp.electric@comcast.net E-Mail: rob.vogel@timmons.com

Phone No.: 224-374-6754 Phone No.: 410-461-7666

Contact Person: ROBERT PINTO Contact Person: ROBERT H. VOGEL

Owner's Authorization Attached