



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

August 27, 2020

HoCo Holding, LLC
4652 Sheppard Lane
Ellicott City, MD 21042

RE: WP-20-084 Howard Heights – Lot 21A

Dear Applicant:

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 August 27, 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 alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations to construct a single-family detached dwelling on the vacant lot (Lot 21A). The bioretention and drain pipe will cause roughly 3,750 square feet of disturbance within the 100' stream bank buffer. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely,

DocuSigned by:

Anthony Cataldo, AICP, Chief

Division of Land Development

AC/JS

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
FCC



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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-20-084 Howard Heights – Lot 21A**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: HoCo Holding, LLC
4652 Sheppard Lane
Ellicott City, MD 21042

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)(2)(iii)** of the Subdivision and Land Development Regulations. The purpose is to construct a single-family detached dwelling on the vacant lot (Lot 21A). The bioretention and drain pipe will cause roughly 3,750 square feet of disturbance within the 100' stream bank buffer. The Directors deliberated the application in a meeting on August 27, 2020.

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 perennial stream runs along the western boundary of the property and roughly half of the lot is located within the 100' stream bank buffer. The proposed house is setback similar to the surrounding lots and moving it further forward would not allow enough room for an adequate driveway and turnaround. This proposal will also exceed current stormwater management requirements for the 100-year storm for Lots 21 and 21A. Denial of this request would require the stormwater management practices to be moved out of the stream buffer which would not allow for a usable backyard, a right that is commonly enjoyed by other homeowners.

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.

Strict adherence to the regulations would require the stormwater management practices in the rear of the dwelling to encumber the majority of the back yard. Since roughly half of the lot is located within the 100' stream buffer, this presents a unique situation and the owner would experience an unreasonable hardship if the stormwater management practices are not permitted in the stream buffer.

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

Approval of this alternative compliance request would not grant a special privilege that would be denied to other applicants. Each lot on the west side of Southview Road was legally subdivided and have been developed with similar single-family detached houses. This is the last lot in this area which has not been developed.

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

The approval of this alternative compliance request would not be detrimental to the public health, safety or welfare, or injurious to other properties since all similar lots have been developed with single-family detached houses along Southview Road. This proposal also provides stormwater management for the 100-year storm along with a 10% reduction of the 100-year storm runoff.

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

The majority of the LOD area is currently maintained lawn with some shrubs and existing landscape trees. The construction of the dwelling will result in roughly 3,750 square feet of grading within the stream buffer. The disturbance will result in a planted micro-bioretenion facility and replanted lawn which will return the area back to its natural condition, to the greatest extent possible.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

This proposal would result in providing stormwater management for the 100-year storm including a 10% reduction in runoff as well as providing management for the Ellicott City storm which would improve water quality. The disturbed area will be returned to planted lawn and a planted micro-bioretenion facility which would restore the vegetative habitat to the greatest extent possible.

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.

The grading and removal of vegetative cover within the stream buffer is required in order to provide the proper stormwater management practices for the proposed dwelling, allow for a usable back yard along with adhering to the setbacks and providing an adequate driveway and turnaround. Due to the topography of the lot, this design will accommodate the necessary improvements with the minimum amount of disturbance as possible.

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

1. The proposed disturbance shall not exceed 3,750 square feet and shall be located in the area shown on the alternative compliance plan exhibit. If changes are required, another Alternative Compliance request will need to be approved.
2. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits, the 'R-20' Zoning Regulation requirements and the Subdivision and Land Development Regulations.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Thomas Meunier

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Thomas Meunier, Acting Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DPW, Thomas Meunier



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

(410) 313-2350

DPZ Office Use only:

File No. *WP-20-084*

Date Filed *2/25/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 3018A Southview Road

Subdivision Name/Property Identification: Howard Heights, Lot 21A

Location of property: 3018A Southview Road

Existing Use: vacant **Proposed Use:** Residential

Tax Map: 17 **Grid:** 22 **Parcel No:** 211 **Election District:** Second

Zoning District: R-20 **Total site area:** 0.57 acres

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:

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
16.116(a)(2)(iii)	Be allowed to disturb the stream buffer in order to provide SWM for EC storm and 100 year storm events in order to have a reasonable buildable area for proposed house sited
	similar to adjacent houses rather than being pushed toward the front lotline close to the rear of the existing house on the front lot.

Signature of Property Owner: [Signature] **Date:** 2/25/20

Signature of Petitioner Preparer: [Signature] **Date:** 2/25/20

Name of Property Owner: Russell & Mildred Fleming **Name of Petition Preparer:** Fisher, Collins & Carter, Inc.

Address: 3018 Southview Road **Address:** 10272 Baltimore National Pike

City, State, Zip: Ellicott City, Maryland 21042 **City, State, Zip:** Ellicott City, Maryland 21042

E-Mail: john.minutoli@gmail.com **E-Mail:** stephanie@fcc-eng.com

Phone No.: 410-409-0333 **Phone No.:** 410-461-2855

Contact Person: John Minutoli (contract purchaser & agent) **Contact Person:** Stephanie Tuite

Owner's Authorization Attached