



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 22, 2020

S. Jordan Property
Attn: Mr. Donald Reuwer
8318 Forest St.
Elkridge, Maryland 21043

RE: **WP-20-110 Jordan Overlook (F-20-059)**

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 June 10, 2020 and pursuant to Section 16.1216, the Director of Planning and Zoning, Director 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 6 specimen trees in order to provide access to and develop the subject property with single family lots. Please see the attached Final Decision Action Report for more information.

On June 10, 2020 and pursuant to Section 16.104, the Director of Planning and Zoning considered and approved your request for alternative compliance with respect to **Section 16.120(b)(4)(iii)(b)** of the Subdivision and Land Development Regulations to allow forest conservation easements on lots less than 10 acres.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of **Section 16.120(b)(4)(iii)(b)** would result in unwarranted hardship. This determination is made with consideration of your alternative compliance application and the four items you were required to address, pursuant to Section 16.104(a)(1):

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

The forest conservation was approved on Lot 3 pursuant to the original plat. The applicant is not requesting a reduction of the forest conservation requirements but a relocation to the existing forest conservation resources. The current location of the easement would prevent the applicant from subdividing Lot 3 and creating Lots 6 through 9. The proposed lots are similar in size to the adjacent development and strict compliance with the regulation which would deprive the applicant of development opportunities commonly enjoyed by other developers and homeowners with projects of similar scale.

- 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.**

The forest conservation was approved on Lot 3 pursuant to the Original Plat (F-11-041). The Lot 3 subdivision cannot be achieved without relocation of the permitted forest conservation on Lot 3. The size and shape of the existing forest conservation area creates a confined buildable area when combined with other factors on the site such as topography and specimen trees. The relocation of the

easement on-site will allow for the subdivision to occur and the relocation of the easement will also protect better quality existing forest.

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

The recommended method of meeting forest conservation obligations is through on-site retention. Lots 6 thru 9 will have building setbacks from the forest conservation areas (environmental setbacks) the same as the regulations would require on lots 10 acres or greater. The request is limited to the relocation of the previously approved forest conservation. The approval would not confer a special privilege that would be denied to other applicants.

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

Approval of this request will not be detrimental to the public health; safety or welfare, or injurious to other properties. Approval of the request would benefit the homes surrounding Lot 3. The homeowners have expressed a desire to retain some of the environmental elements that buffer their properties from the existing Jordan Overlook property. The approval of the request would also serve to prevent the subsequent homeowners from removing any of the existing forest, which would maintain the buffer. In addition the mature, healthy onsite forest buffer would continue to benefit the sites watershed and habitat value.

Approval is subject to the following conditions:

1. A 35 foot Environmental BRL shall be provided from the environmental buffer and forest conservation easements (from whichever extends further into the lots).
2. The specimen tree removal is subject only to the requested trees ST-1, ST-2, ST-3, ST-4, ST-17, and ST-18. Another alternative compliance request must be submitted to propose the removal of any additional specimen trees. If at all possible, the specimen trees should be preserved, and tree protection measures provided during construction.
3. The relocation of the forest conservation easement on the property will result in a net increase in Forest Conservation Easement area on-site. Existing mature forest area in the easement is being replaced with mature forest area on-site and additional non-credited forest area is being added to the easement for an overall net increase. The total easement will include 1.25 acres of credited forest conservation easement and 0.33 acres of non-credited easement.
4. The alternative compliance file number, requested sections, decision date and conditions of approval shall be indicated on the plat as a general note.
5. The applicant shall obtain all required authorization and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbance within wetlands, wetland buffers, stream, stream buffer, and 100-year floodplain. Reference all required MDE and/or USACOE permits or tracking numbers on all associated plans and building or grading permits.

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 Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,

DocuSigned by:

Anthony Cataldo

1EB75478A22B49A...

Anthony Cataldo, Chief

Division of Land Development

AC/NH

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
FCC Inc.



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**ALTERNATIVE COMPLIANCE
FINAL DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-20-110 Jordan Overlook (F-20-059)**
Request for a variance to Section 16.1205(a)(3) of the Howard County Forest Conservation Regulations

APPLICANT: S. Jordan Property
Attn: Mr. Donald Reuwer
8318 Forest St.
Elkridge, Maryland 21043

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** the applicant's request for a variance with respect to **16.1205(a)(3)** of the Howard County Forest Conservation Regulations. The purpose is to remove six specimen trees. The Directors deliberated the application in a meeting on June 17, 2020.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unwarranted hardship. This determination is made with consideration of the variance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

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

The site has one access point and is served through one private road. The private road cannot be constructed in accordance with the Regulations without the removal of specimen trees 1, 2, 17, and 18. The roadways construction to the required specifications will require their removal. The existing lots development cannot occur without the removal of specimen trees 3 and 4. The size and shape of the existing forest conservation area also creates a confined buildable area when combined with other factors on the site such as topography and specimen trees. Allowing forest conservation easements on-site will allow for the subdivision to occur and the proposed relocation of a portion of the easement will also protect better quality existing forest.

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

Enforcement of the Regulations would deprive the applicant from reasonably developing the property under the current R-20 zoning as the sole access to the property is fixed. The lot layout is primarily proposed to place the existing environmental features in the forest conservation easement. The recommended method of meeting forest conservation obligations is through on-site retention. Lots 6 thru 9 will have building setbacks from the forest conservation areas (environmental setbacks) the same as the regulations would require on lots 10 acres or greater.

3. Verify that the approval 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. The site meets the current Maryland Department of Environment design standards for water quality. The proposed site design will utilize drywells and a bioretention facility to treat water quality. The sizing of the SWM elements is done by assuming the water quality discharged will be comparable to woods in good condition.

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

Approval of this request will not confer a special privilege on to the applicant that would be denied to other applicants. The removal of the proposed specimen trees is essential to the construction of the private road and to the construction of homes on the existing buildable lots.

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

The uniqueness of the site is necessitating the alternative compliance request. The sole point of access to the property and the location of the private road are not a result of the applicant's actions.

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 of the site, including without limitation the sole point of access to the property and the location of the private road, did not result from a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

7. Provide any other information appropriate to support the request.

Approval of this request will not be detrimental to the public health; safety or welfare, or injurious to other properties. The alternative proposal will provide for the replacement of the six removed trees. Twelve additional trees will be placed on the property. Three of the trees proposed to be removed are in poor condition and potentially pose a hazard. Approval of the request would also benefit the homes surrounding Lot 3. The homeowners have expressed a desire to retain some of the environmental elements that buffer their properties from the existing Jordan Overlook property. The approval of the request would also serve to prevent the subsequent homeowners from removing any of the existing forest, which would maintain the buffer. In addition the mature, healthy onsite forest buffer would continue to benefit the sites watershed and habitat value.

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

1. A 35 foot Environmental BRL shall be provided from the environmental buffer and forest conservation easements (from whichever extends further into the lots).
2. The specimen tree removal is subject only to the requested trees ST-1, ST-2, ST-3, ST-4, ST-17, and ST-18. Another alternative compliance request must be submitted to propose the removal of any additional specimen trees. If at all possible, the specimen trees should be preserved, and tree protection measures provided during construction.
3. The relocation of the forest conservation easement on the property will result in a net increase in Forest Conservation Easement area on-site. Existing mature forest area in the easement is being replaced with mature forest area on-site and additional non-credited forest area is being added to the easement for an overall net increase. The total easement will include 1.25 acres of credited forest conservation easement and 0.33 acres of non-credited easement.
4. The alternative compliance file number, requested sections, decision date and conditions of approval shall be indicated on the plat as a general note.
5. The applicant shall obtain all required authorization and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbance within wetlands, wetland buffers, stream, stream buffer, and 100-year floodplain. Reference all required MDE and/or USACOE permits or tracking numbers on all associated plans and building or grading permits.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4... Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delorme

88D74370827248A... Raul Delorme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B75405497... Joshua Feldmark, Administrator
Office of Community Sustainability



DPZ Office Use only:
 File No. *MP 20110*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: JORDAN OVERLOOK, TM30, PARCEL 309

Subdivision Name/Property Identification: JORDAN OVERLOOK, SDP-20-044, F-20-059

Location of property: 9211 JORDAN RIVER ROAD COLUMBIA, MD 21044

Existing Use: RESIDENTIAL 4 LOTS **Proposed Use:** RESIDENTIAL 7 LOTS

Tax Map: 30 **Grid:** 10 **Parcel No:** 309 **Election District:** 6TH

Zoning District: R-20 **Total site area:** 5.455

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:

SP-09-010, BA-88-031, BA-10-008V, WP-12-005, F-11-041, F-19-034, ECP-19-069, SDP-20-044 & F-20-059

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. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.120(b)(4)	(iii) Not being encumbered by environmentally sensitive features: b. For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope;
16.1205(a)(3)	(a) On-site Forest Retention: (3) State champion trees, trees 75% of the diameter of of state champion trees, and trees 30" in diameter or larger.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Property member

Date:

5-12-2020

Signature of Petitioner Preparer:

Frank Manalansan II

Date:

5-18-2020

Name of Property Owner:

S. Jordan Property LLC

Name of Petition Preparer:

Fisher Collin and Catherine Inc.

Address:

*8318 Forrest St
Suite 20
EC Md*

Address:

10272 Balto Natl Aik

City, State, Zip:

21043

City, State, Zip:

EC MD 21042

E-Mail:

drenwer@ldandd.com

E-Mail:

partners@fcc-eng.com

Phone No.:

410 707 7054

Phone No.:

410 461 2855

Contact Person:

Donald R. Renner

Contact Person:

Frank Manalansan II L.S.



Owner's Authorization Attached