



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 28, 2021

Stacey Carrol Wallace
7600 Ridge Road
Marriottsville, MD 21104

RE: WP-20-123 Keim Property

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 24, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the 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 allow the removal of four (4) specimen trees. Please see the attached Final Decision Action Report for more information.

On June 24, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 134(a)(1)** of the Subdivision and Land Development Regulations to provide a fee-in-lieu for sidewalk construction along Old Frederick Road.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.134(a)(1) would result in an unreasonable hardship or practical difficulty. 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):

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

The Subdivision Regulations require residential developments to construct sidewalks along the project frontage. The subject property fronts a minor arterial state road (Old Frederick Road) and conformance to this regulation would benefit the community by providing a segment of sidewalk along Old Frederick Road that will serve as a link for future sidewalk connections. Currently the nearest sidewalk on Old Frederick Road is approximately 3,475 feet to the east (beyond the intersection of Maryland Route 29 and Old Frederick Road) and approximately 1,550 feet to the west (beyond the intersection of Old Frederick Road and Saint Johns Lane). The WalkHoward Pedestrian Master Plan recommends a sidewalk being constructed along the frontage of the property. However, the public road right-of-way at the property's frontage is not adequate to install a public sidewalk at this time. The applicant must post a fee-in-lieu for sidewalk construction for the property frontage along Old Frederick Road. Payment of the fee-in-lieu for sidewalks supports the intentions of the Regulations by providing necessary funds to construct the improvements with a County Capital Project (K-5062).

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 property consists of four (4) deeded parcels that are not part of a subdivision; therefore, the appropriate right-of-way needed to construct a public sidewalk was never deeded to the State. As they exist, the front property lines are 2.21' from the edge of Old Frederick Road pavement. The Subdivision and Land Development Regulations do not require right-of-way dedication during the site development plan process but will require the right-of-way to be reserved for future road improvements. This uniqueness results in a practical difficulty in constructing a sidewalk within the public road right-of-way.

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

The ability to pay a fee-in-lieu of providing sidewalks is commonly permitted when right-of-way constraints exist, and it is not feasible to construct a sidewalk. Therefore, this variance will not confer on the applicant a special privilege. The fee-in-lieu for sidewalk construction will be assessed and paid during the site development plan process.

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

Construction of a sidewalk is not feasible at this time because the property's frontage does not have adequate right-of-way area. The fee-in-lieu payment will be beneficial to the public interest. The applicants fee-in-lieu contributions will allow the County to allocate construction funds to the County Capital Project K-5062, which is located west of the subject property, and meets the intent of the WalkHoward Pedestrian Master Plan.

Approval of this Alternative Compliance is subject to the following conditions:


1. Compliance with the attached Development Engineering Division comments and subject to a fee-in-lieu payment for sidewalks. The fee-in-lieu will be assessed and must be paid during the site development plan review process.

2. The removal of the four (4) specimen trees will require the planting of eight (8) native shade trees on site. The trees shall be a minimum of 3" diameter at breast height and shall be shown on the landscaping and forest conservation plan sheets as part of the site development plans. The trees will be bonded along with the perimeter landscaping requirements.

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:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JS

cc: Research Section 16.1205(a)(3) - 4 trees req/ 4 trees app
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Sill Engineering



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Amy Gowan, Director

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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-20-123 Keim Property**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Stacy Carol Wallace
7600 Ridge Road
Marriottsville, MD 21104

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to allow the removal four (4) specimen trees. The Directors deliberated the application in a meeting on June 24, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. 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 16.1216:

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

The property consists of four existing buildable parcels that range in size from 7,453 SF to 15,033 SF. Specimen Trees (ST) -1 and -2 are centered on Parcel 75 – Lot 4. ST-1 is 25 feet from the rear property line and ST-2 is 30 feet from the front property line. The Critical Root Zone (CRZ) for these trees overlap and encompass most of the building envelope on Parcel 75 – Lot 4. ST-3 and ST-4 are lined in the middle of Parcel 255, approximately 15 feet from the side of Parcel 752. The CRZ for ST-4 alone encompasses the entire building envelope for Parcel 255 and most of the building envelope of Parcel 752. The site has been designed to provide four (4) single-family detached dwellings with associated stormwater management, utility connections and driveway access. Due to the small building envelopes on each parcel, the dwellings are not able to be placed outside of the CRZ of the specimen trees. In order to meet the stormwater management requirements, the CRZ will be severely impacted by grading and installation of the three (3) micro-bioretenion facilities and the thirteen (13) dry wells. The proposed development greatly exceeds the 30% threshold for impacting each specimen trees CRZ. Retaining these trees would impact the applicant’s ability to develop the four buildable lots creating an unwarranted hardship.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by

others in similar areas.

Not granting the removal of the four specimen trees would severely impact the site development of the subject property. ST-1 and ST-2 are both located on Parcel 75 – Lot 4 and their CRZ encumbers almost the entire parcel. ST-3 and ST-4 are both located on Parcel 255 and their CRZ encumbers most of the parcel as well as a portion of Parcel 752. Not removing these four trees would severely hinder site development and access location approved by SHA.

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. The improvements proposed will result in better water runoff which also attempt to address existing drainage issues in the side and rear yard of adjacent Parcel 17.

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 the variance will provide the applicant the ability to develop one house on each existing buildable lot. This will not confer to the applicant a special privilege that would be denied to other applicants.

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

The Applicant did not create the existing lots. Specimen trees #1-4 and their respective CRZs are centrally located within the developable area of the existing lots. The applicant would not be allowed reasonable use of the existing lots should Specimen Trees #1-4 remain.

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 conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. The trees are centrally located on the site and the neighboring property is an Open Space Lot for the Mount Hebron Overlook subdivision.

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

The applicant provided supporting data that includes a specimen tree table, a tree assessment, photos of the trees, and plan exhibits that detail the location of the trees.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of the four (4) specimen trees will require the planting of eight (8) native shade trees on site. The trees shall be a minimum of 3" diameter at breast height and shall be shown on the landscaping and forest conservation plan sheets as part of the site development plans. The trees will be bonded along with the perimeter landscaping requirements.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Scott Bowen (For)

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

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



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-20-123*
 Date Filed *5/7*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Single family detached houses for four existing parcels of record

Subdivision Name/Property Identification: Keim Property

Location of property: Old Frederick Road at Toby Lane

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

Tax Map: 17 **Grid:** 16 **Parcel No:** 75-3, 75-4, 255, 752 **Election District:** Second

Zoning District: R-20 **Total site area:** 52,499 sf

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:

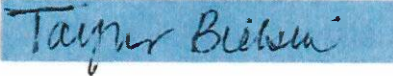

ECP-19-033; WP-17-134; SDP-20-048, WP-20-123



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
16.1205(a)(3)	Request to remove four specimen trees with justification.
<i>16.134(a)(1)</i>	<i>Provide fee-in-lieu for sidewalks.</i>

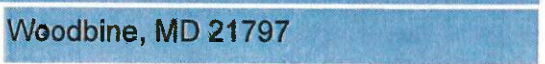
Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 

Signature of Petitioner Preparer:  Date: 

Name of Property Owner:  Name of Petition Preparer: 

Address:  Address: 

City, State, Zip:  City, State, Zip: 

E-Mail:  E-Mail: 

Phone No.:  Phone No.: 

Contact Person:  Contact Person: 

Owner's Authorization Attached