



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 30, 2022

Jin Pyo Hong & Auk Ja Hong
8030 Old Montgomery Road
Ellicott City, MD 21043

RE: WP-21-008 Calla Property

Dear Applicants:

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 30, 2022 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 remove one specimen tree. Please see the attached Final Decision Action Report for more information.

On June 30, 2022 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 16.146** of the Subdivision and Land Development Regulations to forgo the requirement of processing a preliminary plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.146 would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to submit a Preliminary Plan prior to the Final Subdivision Plan. The applicant is proposing a six-lot major subdivision that will be accessed via a private road from Old Montgomery Road. If the property was on a previously recorded plat, and not a deeded parcel, it would be exempt from the Sketch Plan and Preliminary Plan requirements because there are no public road improvements proposed for the development. The water and sewer extensions have been reviewed and approved under the Preliminary Public Water and Sewer Plan (Contract #14-5130-D) and will not require further review until the Final Water and Sewer Plan is submitted. Submission of a Preliminary Plan would result in an unreasonable hardship since a Preliminary Plan would not provide any additional information that is not already provided on the Environmental Concept Plan and Sketch Plan. The subsequent Final Subdivision Plan and Site Development Plan will provide all necessary information needed to review the subdivision in accordance with the County Regulations, and approval of the alternative compliance promotes efficiency of the plan review process.

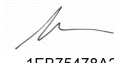
Approval of this Alternative Compliance is subject to the following conditions:

1. Submission of a Final Plan and Site Development Plan shall be submitted to the Department of Planning and Zoning to be reviewed and approved by the SRC in compliance with the milestones established by the Adequate Public Facilities Ordinance

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
DLD - Julia Sauer
Real Estate Services
Marian Honecny- DNR
Sill Engineering



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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-21-008 Calla Property**
Request for a variance to Section 1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Jin Pyo Hong & Auk Ja Hong
8030 Old Montgomery Road
Ellicott City, MD 21043

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 remove one specimen tree from the site. The Directors deliberated the application in a meeting on June 30, 2022.

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 six (6) 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;**
There are three specimen trees on site and the applicant is proposing to remove Specimen Tree #1 (42" Siberian Elm) to allow for the demolition of the existing house and the subdivision and development of six single-family detached dwellings. Specimen Trees #2 & #3 will remain and are located along the northern boundary of the property and situated outside of the limit of disturbance with little impact to the critical root zone. Specimen Tree #1 is more centrally located with the critical root zone exceeding half the width of the existing lot. Based on the site layout, lot shape/size and safe access location which dictate the location of the proposed dwellings and storm water management facilities, the specimen tree would need to be removed. The specimen tree has also been determined to be invasive and in declining health, and therefore should be removed prior to spreading and/or causing harm or negative consequences on native species in the area.
- 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 rights commonly enjoyed by others in similar areas. Adjacent residential lots are approximately one-half to one-acre in size and are improved with single-family detached homes. Denying removal of Specimen Tree #1 would not allow the owner to develop this property in a similar way.

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 site will meet the current MDE design standards by using a micro-bioretenion facility to treat for water quality. The site will be stabilized after construction and sediment control measures will be used during construction which will be reviewed and 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;

Approval of this variance will provide the applicant with the ability to subdivide properties which are similar in size and configuration to the lots of the surrounding area. The property is zoned R-20 and surrounded by R-20 properties. Subdividing the property into half acre lots is not a special privilege that would be denied to others in the same zoning district. The proposed subdivision is consistent with other subdivisions that have occurred along Old Montgomery Road and the removal of the specimen tree will require mitigation by planting two native trees with a 3" DBH. The current regulations require the same mitigation of all applicants.

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

The location of Specimen Tree #1 and its respective critical root zone are centrally located within the developable area of the existing parcel and not based on a condition that is the results of actions by the applicant. The applicant would not be allowed to reasonably develop the parcel should the specimen tree 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 site conditions arise from a condition relating to land or building use on a neighboring property as the tree is centrally located on the site.

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

A drawing showing proposed subdivision was submitted along with photos. A representative from the Department of Recreation and Parks did a site visit and determined that the tree is in fair condition with some limb dieback and is an invasive species. It was noted the tree is in decline which may create hazardous conditions in the future. Due to the species, this tree should be removed from the site to prevent spreading and negative impacts to native vegetation in the surrounding area.

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

1. The removal of specimen tree #1 is permitted and requires the onsite planting of 2 native trees with a DBH of 3". The trees shall be shown on the final subdivision landscape plan sheet and must be bonded as part of the landscape obligation.

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:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 6 lot residential subdivision

Subdivision Name/Property Identification: Calla Property

Location of property: 8030 Old Montgomery Road

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

Tax Map: 37 **Grid:** 02 **Parcel No:** 08 **Election District:** 1st

Zoning District: R-20 **Total site area:** 3.13 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:

ECP-19-071

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
16.145	Waive the Sketch Plan or Preliminary Equivalent Sketch Plan
16.146	Waive the Preliminary Plan

Section Reference No.	Brief Summary of Request
16.1205(a)(3)	Removal of a non-native specimen tree

Signature of Property Owner:  Date: 06-18-2020

Signature of Petitioner Preparer:  Date: 

Name of Property Owner: Jin Pho Hong Name of Petition Preparer: Paul Sill

Address: 8030 Old Montgomery Road Address: 16005 Frederick Road, 2nd Floor

City, State, Zip: Ellicott City, Md 21043 City, State, Zip: Woodbine, Md 20797

E-Mail: hijamesjoo@gmail.com E-Mail: paul@sillengineering.com

Phone No.: 443-900-4620 Phone No.: 443-325-5076

Contact Person: James Joo Contact Person: Paul Sill

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request