



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

September 8, 2020

H&H Rock Companies
6800 Deerpath Road, Suite 100
Elkridge, MD 21075

RE: WP-21-011, Lyhus 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.

The Department of Planning and Zoning hereby determines that you have not demonstrated to its satisfaction that strict enforcement, specifically of Sections 16.117(b) and 16.1204(d)(8) would result in an unreasonable hardship or practical difficulty, and is requesting that you **Revise and Resubmit** the proposal with additional justification that explains how this proposal meets the unreasonable hardship or practical difficulty standard and specifically addresses the following:

1. Add a waiver request to this AC for 16.1201(v) in order to utilize the Limits of Disturbance necessary for the roadway construction to establish the forest conservation requirements.
2. Provide a forested area common to both designs to satisfy the forest conservation requirements for the roadway construction disturbances in a preservation parcel that can be established with the creation of the two buildable bulk parcels.

Based on a review of the plans, it appears the proposed forest conservation requirements can be established for the proposed roadway and associated disturbances. The proposed layouts for both use types have the same preservation parcel areas. Forested area common to both designs could be utilized to satisfy the forest conservation requirements for the roadway construction disturbances in a small preservation parcel that can be established with the creation of the two buildable bulk parcels. Please note that any proposed updates and design should also be in conformance with any conditions and requirements established under the submitted design manual waiver request.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (on or before October 23, 2020*).

*Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the Order. In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22949A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/NH

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Bohler Engineering



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: North Side of Lime Kiln Road, approximately one half a mile west of the intersection with Scaggsville Road.

Subdivision Name/Property Identification: Lyhus Property ; F-20-016

Location of property: 12170 Lime Kiln Road

Existing Use: **Proposed Use:** Residential

Tax Map: 40 + **Grid:** 24 + **Parcel No:** 135 **Election District:** 5th +

Zoning District: RR-DEO **Total site area:** 71.09 +

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-17-010b; ECP 17-056; WP18-070;F-20-016

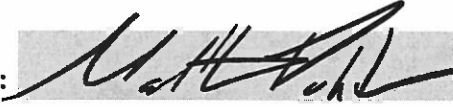
In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Section 16.117(b)	Forest Conservation and Preservation of Natural Cover: The proposed development has been designed to limit clearing of forested areas. As will be required, the forest conservation areas will be located in a preservation parcel(s) or open space lot(s). It is requested that in lieu of recording the preservation parcel(s) with the road right-of-way (F-20-016), that the recordation of the preservation parcel(s) be deferred until the creation of the first buildable lot.
Section 16.1204(d)(8)	Deed of Forest Conservation Easement: The proposed development has been designed to limit the clearing of forested areas. It is requested that in lieu of recording the forest conservation easements with the platting of the road right-of-way (F-20-016), that the recordation of these easements be deferred until the creation of the first buildable lot.

Section Reference No.	Brief Summary of Request
Section 16.124(b)(2)	Perimeter Landscape Edges: The current Final Road Plan (F-20-016) proposes to install all street trees adjacent to the public road for the purposes of installing the road and associated improvements ahead of the future buildable lots. It is requested that the required perimeter landscaping for the site be deferred until the creation of the first buildable lot so that it can be appropriately coordinated with the final layout of the development.
Section 16.120(c)(2)(ii)	Lot Layout Minimum Frontages: To limit the clearing of forested areas and reduce the impact to existing environmental features, two private use-in-common driveways are proposed, that merge into one use-in-common driveway prior to connecting to the public right-of-way to serve Lots 20-28. It is requested that the deviation of the use-in-common driveway for Lots 20-23 from their pipestem prior to the frontage on the public right-of-way be allowed to connect to the use-in-common driveway for Lots 24-28 to allow for a consistent lot layout, reduce impact to existing environmental features, and reduce the overall impervious area and stormwater runoff from the site.

Signature of Property Owner: [Redacted]

Date: [Redacted]

Signature of Petitioner Preparer: 

Date: 7/14/2020

Name of Property Owner:

Mitron Parcel 1, LLC and Mitron Parcel 2, LLC C/O H&H Rock Companies

Name of Petition Preparer:

Bohler

Address: 6800 Deerpath Road #100

Address: 901Dulaney Valley Road, Suite 801

City, State, Zip: Elkridge, MD 21075

City, State, Zip: Towson, MD 21024

E-Mail: jfraser@handrock.com

E-Mail: mpohlhaus@bohlereng.com; crissie.evans@bohlereng.com

Phone No.: 410-567-1046

Phone No.: 410-821-7900

Contact Person: James Fraser

Contact Person: Matthew Pohlhaus/Crissie Evans



Owner's Authorization Attached