



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

November 19, 2020

Mr. Nicholas Laswell  
319 Violet Court  
Mt. Airy, MD 21771

Dear Mr. Laswell:

RE: WP-21-040, Kalmia Farms, Section 2, Lot 7

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 November 19, 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 allow for the construction of a proposed driveway over an existing 30" culvert. 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 Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

DocuSigned by:

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/bl

Attachment

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-21-040, Kalmia Farms, Section 2, Lot 7**  
*Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.*

**Applicant:** Nicholas Laswell  
319 Violet Court  
Mt. Airy, MD 21771

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 approve the construction of a proposed driveway over an existing 30" culvert. The Directors deliberated the application in a meeting on November 19, 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 lot was approved and recorded in 1981. A stream and its buffer traverse the lot where the access to the lot has been provided. The house location is proposed at the rear of the property at the lot's higher elevation. The only access to this lot is at the public road frontage where the environmental features are located. During the 1980's and as part of the initial subdivision, the earthwork for the driveway and culvert was installed, thus providing the only access to this lot. Strict conformance to this regulation would prohibit access to the buildable portion of the lot and would render the lot non-buildable; therefore, depriving the applicant the right to construct a dwelling on the recorded lot.

**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 contains wetlands, stream and their buffers which traverse the front of the lot which landlock the buildable area of the lot. The earthwork for the driveway and existing culvert was installed under F-82-047. As

part of the house construction, 6 inches of topsoil will be removed to pave the required 12-foot wide driveway.

**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 will not confer to the applicant a special privilege that would be denied to other applicants. The houses on either side of this lot were constructed in 1987 and 1986 which were not required to provide the same level of environmental measures. The construction of the driveway across the environmental features is consistent with the original intent of the subdivision layout which was recorded in 1981. The approval of this request would not confer any special privilege that would not be granted to other lot owners within this subdivision.

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

Approval of the alternative compliance request is not detrimental to the public health, safety or welfare or injurious to other properties. The subdivision was recorded and the driveway culvert for Lot 7 was installed in the 1980's. The width of the existing crossing will meet the current driveway standards for Fire and Rescue.

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

The disturbance is limited to the installation of the typical driveway paving section thickness only since the shoulder areas are already established and will remain as is.

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

The existing culvert and earthwork have been in place from the time of the original construction (1980's) and is wide enough to provide for the paved driveway and the associated disconnection credit required for the water quality treatment. In addition, the existing culvert is in good condition and is adequately sized to allow for the construction of the proposed driveway to the proposed house without any overtopping of the driveway.

**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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**

The sediment and control devices are located on all four sides of the existing culvert to help minimize the sediment migration to the stream and its associated buffers during construction. Once the paved driveway area is stabilized, the four sediment control devices and all the sediment control associated with the project will be removed and restored back to existing ground to enhance the ecological restoration for the existing culvert area.

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

1. As part of ECP-21-005, documentation must be provided demonstrating that the existing culvert is designed to current design manual standards.
2. As part of ECP-21-005, compliance with the forest conservation requirements must be provided.
3. The disturbance to the environmental features is limited to the area of the driveway crossing and driveway paving.

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, Director

Department of Public Works

DocuSigned by:

*Joshua Feldmark*

3241B974513F4B7...

Joshua Feldmark, Administrator  
Office of Community Sustainability

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



DPZ Office Use only:
File No.
Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Existing Culvert with a proposed residential driveway

**Subdivision Name/Property Identification:** Kalmia Farms - Section 2 - Lot 7

**Location of property:** At the end of Betula Way in the Section 2 of Kalmia Farms Project

**Existing Use:** Buildable Lot      **Proposed Use:** Single Family House

**Tax Map:** 27      **Grid:** 16      **Parcel No.:** 22      **Election District:** Fifth Election District

**Zoning District:** RR-DEO      **Total site area:** 3.53 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:**

The current file # is SECP 21-005. Previous were F-82-47

**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 16.116.a.2(ii)	Protection of Wetlands, Streams and Steep Slopes. In summary, the request is for the construction of the proposed driveway over an existing 30" Culvert that was installed under the original Kalmia Farms Project. Please see the additional attached letter for further justification.



Section Reference No.	Brief Summary of Request

Signature of Property Owner:



Date:

24 Sep 2020

Signature of Petitioner Preparer:



Date:

9/24/2020

Name of Property Owner:

Mr. Nicholas Laswell

Name of Petition Preparer:

Fisher, Collins & Carter, Inc.

Address: 319 Violet Court

Address:

10272 Baltimore National Pike

City, State, Zip: Mt. Airy, Md. 21771

City, State, Zip:

Ellicott City, Md. 21042

E-Mail:

laswelln@yahoo.com

E-Mail:

Pdox@fcc-eng.com

Phone No.:

443-401-7581

Phone No.:

410-461-2855

Contact Person:

Mr. Nicholas Laswell

Contact Person:

Mr. Aldo M. Vitucci, P.E.

Owner's Authorization Attached