



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

February 9, 2021

Karen Best
Impus Delectii
4456 Bonnie Branch Road
Ellicott City, MD 21043

RE: WP-21-045, 4456 Bonnie Branch Road

Dear Sir/Madam:

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 February 4, 2021 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)(ii)** of the Subdivision and Land Development Regulations to renovate a historic home, to replace an existing deck and to construct a parking area within the 75' stream bank buffer. Please see the attached Final Decision Action Report for more information.

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

1. The proposed deck, stairs and parking area shall be located in the area shown on the alternative compliance plan exhibit. The deck shall not exceed 220 square feet within the 75' stream bank buffer. The parking area shall be constructed of porous pavers, as proposed on the plan exhibit.
2. The renovation of the existing dwelling shall utilize the existing stone foundation. No additions or enlargements to the existing foundation will be permitted within the 75' stream bank buffer.
3. No grading or removal of vegetative cover or trees is permitted within the 75' stream bank buffer.
4. All disturbed areas shall be stabilized and seeded after construction is complete.
5. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits and the 'R-ED' Zoning Regulation requirements.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a building permit is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research
DED
DLD - Julia Sauer
Real Estate Services



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

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Amy Gowan, Director

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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-21-045, 4456 Bonnie Branch Road**
Request for an alternative compliance to Section 16.116(a)(2)(ii) of the Subdivision and Land Development Regulations.

Applicant: Karen Best
Impus Delectii
4456 Bonnie Branch Road
Ellicott City, MD 21043

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)(ii)** of the Subdivision and Land Development Regulations. The purpose is to restore and renovate a historic home, to replace and enlarge an existing deck and to construct a parking area within the 75' stream bank buffer. The Directors deliberated the application in a meeting on February 4, 2021.

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 other in similar areas.**
Strict conformance with the regulations would deprive the owners of creating a livable home with safe vehicular access and parking. The parking area and deck are considered reasonable development of the property and there are no other alternatives due to the parcel's location and topography.
- 2. The 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 site is bisected by Bonnie Branch Road and the 75' stream buffer covers approximately 2/3 of the entire site. The majority of the existing stone foundation walls are also included within the buffer. In addition, the topography of the site severely limits the developable area. The only relatively flat area exists directly adjacent to the roadway. The house renovation will occur on the existing stone foundation. The house is listed as a County historic site and it is important to preserve the stone foundation in its original location to maintain the historic setting. The parking area will be located beneath the deck and will be constructed with porous pavers and the material stockpile area will be located in the grass lawn area adjacent to the road. The remainder of the parcel consists of steep wooded

slopes and the Bonnie Branch stream on the opposite side of the road. With all of these unique site conditions, there is a practical difficulty adhering to the regulations which would limit the viability of this home.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**
The house has existed in this location since 1846. Bonnie Branch road bisects the property and the 75' stream bank buffer encompasses approximately two-thirds of the parcel. The construction of a safe parking area and deck are not considered a special privilege that would be denied to other applicants who were building on an existing foundation within the buffer area.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**
There is no evidence that the proposal will be detrimental to the public health, safety or welfare or would be injurious to other properties. The existing conditions at the site include a small asphalt pull-off area along the roadway for parking. The existing deck and stairs are located directly adjacent to the road. The proposal includes relocating the deck and stairs away from the road and creating a safe parking area beneath the deck. The project will not impact any existing trees and no grading will be required. There will be minimal increased runoff, since the parking area will be constructed with porous pavers with gravel drainage underneath. All disturbed areas will be stabilized and seeded after construction is complete.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**
No grading will be required as part of the home construction because the applicant will be using the existing stone foundation. The parking area and deck will be constructed in a flat area that currently exists as a mowed lawn. The porous pavers will require minor excavation to install a gravel layer for drainage. All disturbed areas will be stabilized and seeded after construction is complete. The owner also plans to plant native vegetation and to construct rain gardens on the property in the future.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**
Mitigation is not necessary in this case since the construction of the deck and parking area will not have adverse impacts to water quality, wildlife or vegetative habitat. The yard consists of maintained lawn and the area will be stabilized after construction. The deck will be constructed above grade on piers and the runoff from the deck will be able to infiltrate into the lawn and porous pavers prior to entering the stream. The gutter downspouts on the house will be equipped with rain barrels, which will help to control runoff if maintained properly. Erosion and sediment control measures will be installed in accordance with building permit requirements. There are no existing trees that will be impacted by the project.
- 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.**
Grading will not be required to construct the deck and parking area. Minor excavation will be required to construct the deck footers and porous pavers. All disturbed areas will be stabilized and seeded after construction is complete. No trees will be removed as part of the project. The applicant will be required to comply with all building and grading permit requirements for erosion and sediment control.

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

1. The proposed deck, stairs and parking area shall be located in the area shown on the alternative compliance plan exhibit. The deck shall not exceed 220 square feet within the 75' stream bank buffer. The parking area shall be constructed of porous pavers, as proposed on the plan exhibit.
2. The renovation of the existing dwelling shall utilize the existing stone foundation. No additions or enlargements to the existing foundation will be permitted within the 75' stream bank buffer.

3. No grading or removal of vegetative cover or trees is permitted within the 75' stream bank buffer.
4. All disturbed areas shall be stabilized and seeded after construction is complete.
5. The applicant shall comply with all building permit requirements from the Department of Inspections, Licenses & Permits and the 'R-ED' Zoning Regulation requirements.

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

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Joshua Feldmark, Administrator
Office of Community Sustainability

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



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No.
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 10504A SCAGGSVILLE ROAD, LAUREL MD 20723

Subdivision Name/Property Identification: PIERCE PROPERTY

Location of property: ADC MAP: 39, GRID F-4

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Tax Map: 46 **Grid:** 12 **Parcel No:** 277 **Election District:** FOURTH

Zoning District: R-20 **Total site area:** 3.94 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:

WP-20-013
 ECP-19-056
 F-21-039
 SP-20-004

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.

Section Reference No.	Brief Summary of Request
Section 16.102(c)(2):	To allow the subdividing without covering the entire parcel

Signature of Property Owner:



Date:

6/24/21

Signature of Petitioner Preparer:

Date:

6/24/2021

Name of Property Owner: CLARKSVILLE RIDGE PR

Name of Petition Preparer: Mildenberg Boender & Assoc.

Address: 8318 FORREST STREET - SUITE 200

Address: 7350 B Grace drive

City, State, Zip: ELLICOTT CITY, MD 21043

City, State, Zip: Columbia, MD, 21045

E-Mail: dreuwer@ldandd.com

E-Mail: salomer@mba-eng.com

Phone No.: 410-707-7054

Phone No.: 410-997-0296

Contact Person: Donald Reuwer

Contact Person: Sam Alomer

Owner's Authorization Attached