



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

January 11, 2021

Paul Walsky, RLA
Bureau of Capital Projects, Park Planning & Construction
Howard County Department of Recreation & Parks

RE: WP-21-059 Centennial Boat House Approved

Dear Mr. Walsky:

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 January 7, 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 16.1201.(v) and Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to use the LOD to serve as the Net Tract Area for calculating the Forest Conservation obligation and remove one specimen tree, a 36" Liriodendron tulipifera (Tulip poplar). 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 Donna Despres at (410) 313-3429 or email at ddespres@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research (Specimen Tree – 1 req./ 1 app.)
DED
DLD - Julia Sauer
Real Estate Services
Marian Honecny- DNR



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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-21-059 Centennial Boat House**
*Request for a variance to **Section 16.1201.(v)** and **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations.*

Applicant: **Paul Walsky, RLA**
Bureau of Capital Projects, Park Planning & Construction
Howard County Department of Recreation & Parks

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning and the Administrator of the Office of Community Sustainability (Director of the Department of Recreation and Parks recused from deliberations) considered and **approved** the applicants request for a variance with respect to **Section 16.1201.(v)** and **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to use the LOD to serve as the Net Tract Area for calculating the Forest Conservation obligation and remove one specimen tree, a 36" Liriodendron tulipifera (Tulip poplar). The Directors deliberated the application in a meeting on January 7, 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 project LOD crosses two of several Parcels that are part of Centennial Park. Parcels 9 and 10 of Tax Map 30 total 241.79 acres. The LOD for the project is 0.99 acres and proposed forest removal is 7,400 SF. To survey and prepare plans for over 240' acres that will be untouched by the project would create delays in the project's construction and expend DRP and SRC resources without significant change to the project or conservation obligation.

The park amenities such as the path and the boat house were constructed before passage of the American with Disabilities Act (ADA). The existing path is approximately six feet wide and does not meet current standards to support walkers, bicyclist, emergency and service vehicles. The current parking lot is far from the boat house and the access is not ADA compliant. The applicant is proposing to remedy the existing conditions and proposes a redesigned 12' wide pathway and retaining walls and provide Handicap Accessible parking spaces closer to the boat house and bathroom facilities. Since the boat house is close to the water's edge and the surrounding ground slopes up and away from the water, there is limited space for additional parking. To accomplish the goal

of accessible amenities without removal of the one specimen tree, the applicant would have to provide a new boat house at a more accessible location. Relocating the entire boathouse would be an unreasonable hardship when there is an existing boathouse in use that can be made accessible by providing the parking as proposed.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;

Capital projects including roads, sewer lines and other utilities that cross multiple parcels typically use the LOD as the Net Tract Area because the majority of the site areas will be untouched by the proposed work. Requiring Forest Conservation calculations on the overall acreage would be unwarranted. Approving the request for DRP to use the same standard would be consistent with County policy. Enforcing the definition of net tract area would deprive DRP of rights commonly enjoyed by others constructing across multiple lots with the vast majority of the site acreage not being disturbed.

Denial of the petition to remove one tree would prevent the Department of Recreation and Parks from upgrading usability for park visitors. Approval will provide enhanced park experience for more users than it does now. Other parks in Howard County provide accessible parking near similar facilities. Strict enforcement would prevent DRP from upgrading a public resource.

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. DPZ has approved a SECP for the project and the applicant will submit a redline to SDP-84-165 for review. As part of the review of the redline, SWM practices will be required to meet current standards.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;

No special privilege is conferred to the applicant by allowing the LOD to serve as the Net Tract Area or granting removal of a specimen tree. The Forest Conservation obligation for the disturbed area will still be met as part of processing a redline to SDP-84-165. The removal of the tree will require mitigation by planting two native trees of 3" DBH. The current regulations require the same mitigation of all applicants and DRP will be held to the same standard.

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

The applicant seeks to improve public safety in the park. The existing path and boathouse were constructed in the 1984 and the surrounding trees have been growing around the existing features for 40 years. The ADA was passed after the site was developed, creating a conflict between the usability and the regulation. The applicant did not create the conflict with the ADA since the law was not in effect in 1984 and the variances sought are those needed to complete this public improvement. The improvements are sighted in the most feasible locations that limit impacts to the existing natural resources in order to serve the existing structure.

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; and

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.

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

The proposed pathway location was intentionally selected because of the topography, vegetation and required standards for safe public pathways. On the opposite side of the pathway from the Tulip poplar near the boat house complex are three healthy trees that are planned to be saved; a 22" cal. Hickory, a 21" cal. Oak and a 10" cal. Oak. The path was sited to save these trees which provide shade near the boat house. Shifting the path to preserve the Tulip poplar would necessitate removing these high value trees and increase sun exposure to an area that is currently shaded.

Directors Action: Approval of alternative compliance of Section 16.1201.(v) and Section 16.1205(a)(3) is subject to the following conditions:

1. *The removal of the one specimen tree will be mitigated by planting 2 native trees with a DBH of 3" in or near the project area.*
2. *Include a General Note on the redline to SDP-84-165 summarizing the alternative compliance application, sections, date of approval by the Administrator of the Office of Community Sustainability and the Director of Planning and Zoning and the conditions of approval.*

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

(Recused)

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241D974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

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



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-21-059*

Date Filed *12/1/20*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Public Park pathways and retaining wall near lake, restrooms & boat launching facility

Subdivision Name/Property Identification: Centennial Park

Location of property: Ellicott City Maryland

Existing Use: Public park

Proposed Use: public park

Tax Map: 30

Grid: 7

Parcel No: 9 & 10

Election District: 2nd

Zoning District: R-20

Total site area: 241.79 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:

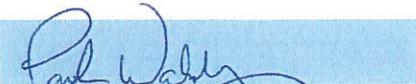
SDP-84-165

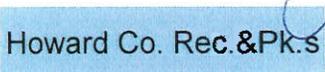
In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

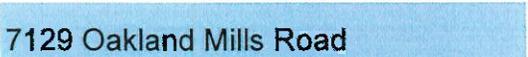
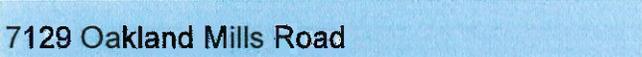
Section Reference No.	Brief Summary of Request
16.1201.(v)	We request that the Limit of Disturbance (LOD) serve as the Net Tract area for calculating the obligation threshold
16.1205.(b)(3)	We request to remove one mature Liriodendron Tulipifera 36" cal.

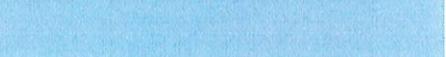
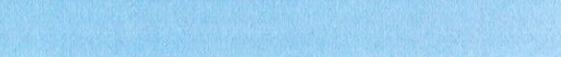
Section Reference No.	Brief Summary of Request

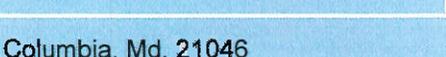
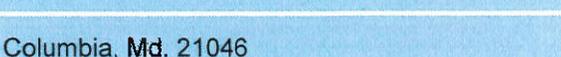
Signature of Property Owner:  Date: 

Signature of Petitioner Preparer:  Date: 

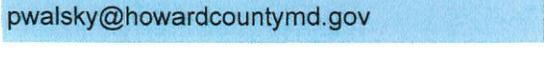
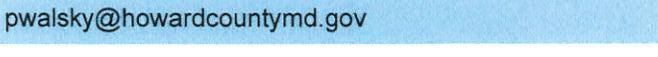
Name of Property Owner:  Name of Petition Preparer: 

Address:  Address: 

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

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

E-Mail:  E-Mail: 

E-Mail:  E-Mail: 

Phone No.:  Phone No.: 

Phone No.:  Phone No.: 

Contact Person:  Contact Person: 

Contact Person:  Contact Person: 

Owner's Authorization Attached