



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

March 1, 2021

McCormick Taylor
Attn: Lindsay Nicoll
509 S. Exeter Street, 4th Floor
Baltimore, Maryland 21202

RE: WP-21-072 Pirch Way Stream Stabilization Project
Capital Project D-1176

Dear Ms. Nicoll:

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 11, 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)** of the Subdivision and Land Development Regulations to use the limit of disturbance as the Net Tract Area when calculating Forest Conservation obligation. Please see the attached Final Decision Action Report for more information.

On February 10, 2021 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 16.155(a)(1)** of the Subdivision and Land Development Regulations to substitute the alternative compliance plan exhibit for a Site Development Plan.

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

The requirement of a site development plan would be an unreasonable hardship for the applicant, as the purpose is to stabilize a stream where the risk of bank failure could affect adjacent private property and continue the increased sediment load into the Patapsco River. Currently, the existing stream is widening, causing stream bank erosion. The swift processing of the request is necessary to prevent any further damage to the degrading stream bank which is a potential hazard to the adjoining private property and Howard County citizens. The project proposes only minor disturbance (0.17 acres) and the submitted exhibit will be held as an acceptable replacement to the SDP. Strict compliance to this section would require additional time and would not improve the final design of the project. Approval of the alternative compliance promotes efficiency of the plan review process while limiting time for additional degradation, potential hazardous bank failure conditions, and downstream waters impacts to occur.

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

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 0.17-acre limit of disturbance as shown on the alternative compliance exhibit, unless it can be sufficiently demonstrated by the applicant to be justified.

2. Once the proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources in accordance with the alternative compliance planting plan exhibit.
3. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within the floodplain, streams, wetlands, and wetland buffers. Reference the applicable MDE or USACE permit numbers on any building or grading permits.
4. Prior to the commencement of the proposed stream stabilization project, applicant will obtain all right-of-entry documents for any privately-owned lots. Copies shall be forwarded to the Department of Planning & Zoning – Division of Land Development.

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 Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/ktb

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- 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-21-072 Pirch Way Stream Stabilization Project – Capital Project D-1176
Request for a variance to Section 1201(v) of the Subdivision and Land Development Regulations.

Applicant: McCormick Taylor
Attn: Lindsay Nicoll
509 S. Exeter Street, 4th Floor
Baltimore, Maryland 21202

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 16.1201(v)** of the Forest Conservation Regulations. The purpose is to use the 0.17-acre Limit of Disturbance as the Net Tract Area. The Directors deliberated the application in a meeting on February 11, 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 purpose of the project is to stabilize a 300-foot section of an unnamed tributary to the Patapsco River. An unwarranted hardship would be endured if the applicant were required to satisfy the forest conservation obligation for the entire 37.66 acres, as the project area encompasses only 0.17-acres of disturbance.
- 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 that are commonly used for similar projects. Using the limit of disturbance for purposes of calculating the forest conservation obligation is a common request for County Capital Projects, particularly environmental restoration projects, that expands over multiple parcels and create limited disturbance in relation to the overall parcel sizes.
- 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, which includes small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. The proposed stream stabilization will have a positive effect on water quality by ultimately reducing the sediment load that is currently flowing into the Patapsco River.

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

Granting the variance would not confer the applicant a special privilege that would be denied to other applicants. Using the limit of disturbance for the purpose of calculating forest conservation obligations is a common request for County Capital Projects when the proposed work will be on multiple parcels, but the resulting limit of disturbance only covers a small portion of those parcels. The project proposes to replant the area of riparian buffer.

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

The purpose of the project is to stabilize a stream that could negatively affect the adjoining private properties and reduce the sediment load to the Patapsco River. There is no evidence the conditions or circumstances were created by the applicant.

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 conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. The request is to stabilize a stream bank.

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

To best meet the objections of the project, the work must start quickly. The project has the minimum limit of disturbance needed to complete the stream stabilization and the riparian buffer will be replanted. The purpose of the project is to improve the health of the stream bank and the riparian corridor and increase the safety of the adjoining properties. Approval of this alternative compliance will allow the project to move forward quickly to resolve the existing problems while keeping with the intent of County Regulations.

Directors Action: Approval of alternative compliance of Section 16.1201(v) is subject to the following conditions:

1. Once the proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources in accordance with the alternative compliance planting plan exhibit.

DocuSigned by:
Amy Gowan
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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:
Raul Delorme
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Raul Delorme, Director
Department of Recreation and Parks

DocuSigned by:
Joshua Feldmark
3241B974513F41B7...
Joshua Feldmark, Administrator
Office of Community Sustainability

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



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
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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Pirch Way Stream Stabilization Project

Subdivision Name/Property Identification: _____

Location of property: 6737 Pirch Way

Existing Use: High Density Residential, Commercial **Proposed Use:** High Density Residential, Commercial

Tax Map: 37 **Grid:** 20 **Parcel No:** 612 **Election District:** 2

Zoning District: R-MH **Total site area:** 0.17

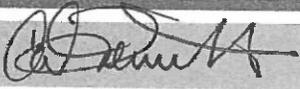
Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

Capital Project D-1176 entitled Pirch Way Stream Stabilization Project consists of stream stabilization of approximately 300 linear feet of an unnamed tributary to the Patapsco River. The proposed work includes channel bed and bank stabilization, bank grading, slope stabilization, and vegetative establishment. Channel stability is a primary focus of the project, specifically ensuring vertical and lateral stability in areas where there was a perceived risk of channel incision or bank erosion. Proposed channel bed structures and grading are intended to increase the overall stability of the site by providing grade control and reducing erosive forces, particularly in the areas of erosion which appear to be threatening private property.

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
16.155 (a)(1) - Waiver of Site Plan	The proposed project is a maintenance project, which needs to be done as soon as possible due to the severity of the erosion and to cease the damage to adjacent private property and prevent continued sedimentation into the Patapsco River and other receiving waters.
16.1201 (v) - Definition of net tract area for forest conservation calculations	The sum of the area of the seven lots is 37.66 acres; however, the proposed limit of disturbance (LOD) is only 0.17 acres. When the existing 100-year floodplain is netted out of the LOD, the remaining area is 0.09 acres. The purpose of the waiver is that the LOD of 0.17 acres be allowed as the starting point, such that after netting out the 100-year floodplain, the Net Tract Area for further calculation is 0.09 acres.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 12/17/2020

Signature of Petitioner Preparer:  Date: 08/21/2020

Name of Property Owner: Howard County SWM Division Name of Petition Preparer: McCormick Taylor

Address: 9801 Broken Land Parkway Address: 509 S. Exeter Street, 4th Floor

City, State, Zip: Columbia, MD 21046 City, State, Zip: Baltimore, MD 21202

E-Mail: mmonde@howardcountymd.gov E-Mail: lenicoll@mccormicktaylor.com

Phone No.: 410-313-0844 Phone No.: 410-662-7400

Contact Person: Michele Monde Contact Person: Lindsay Nicoll

Owner's Authorization Attached