



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

May 27, 2021

Mr. B. James Greenfield
Columbia Builders Group, LLC
6420 Autumn Sky Way
Columbia, MD 21044

RE: WP-21-119 Fairmount Woods Lot 1-4 & Open Space Lot 5

Dear Mr. Greenfield:

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 demonstrated to its satisfaction that strict enforcement of **Section 16.127.(c)(4)(i)**, **Section 16.127.(c)(4)(ii)** and **Section 16.120.(b)(4)(iii)(c)** of the Subdivision and Land Development Regulations would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;

The applicant is proposing two separate driveways to the newly created lots rather than the required 24', single shared use-in-common driveway to provide access to all proposed residential infill lots in accordance with the regulations and Design Manual. Both of the proposed driveways will have adequate site distance and be located 270' apart. When viewed from the road, the impression will be of two separate developments. Allowing the separate driveways prevents the development from extending the access drive across the stream to provide access to half of the site and provides for the environmental features and habitat to remain fully intact.

The proposal provides a setback of 50' for 2 of the 4 lot while the regulations would require an 89' building front building setback. Requiring an 89' building setback for the proposed houses on Lots 1 & 2 locates the BRL in the sensitive environmental features of the wetlands and the buffer. The required calculation is the average of 7 properties within 500' of the subject property. One property, 8065 Old Montgomery Road is setback 202' and is only one of two that are farther than the 89' calculated average. Five are setback less than the 89' average. Two neighboring properties, 7989 Old Montgomery Road and 8069 Old Montgomery Road are within 500' of the site and are setback 50' and 58' from Old Montgomery Road. Strict conformance with the regulations does to allow for reasonable development of the site, which is already severely constrained with environmental features and would have detrimental impacts to those environmental features.

By taking advantage of the reduced lot size of 18,000 SF, the proposal places 85% of the wetland buffer on Open Space Lot 5 but, per the regulations, then limits the ability for environmental features to be located on the lots. Further reducing the lot size to capture the remaining buffer does not offer a better design solution and is not in character with the surrounding development. Section 16.120(b)(4)(iii)(a) allows environmental features to be on lots 20,000 SF or greater. Larger lot sizes would not require an alternative compliance application and would result in lots including portions of the wetlands, a smaller open space lot and less forest conservation on site. Strict conformance with the regulations would prevent the applicant from developing on the already limited area that is not encumbered with environmentally sensitive features or developing with larger lot sizes that would result in less protections of the wetland buffers. The surrounding area has been developed with similar single family lots with similar configurations.

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 site is encumbered by surface drainage, wetlands, streams and buffers which account for approximately 50% of the site and divide the site into two, relatively small developable areas. Creating one use in common driveway requires crossing over the stream and wetlands and clearing of more forest than the alternate proposal to provide two separate access drives. The location of the wetland buffer results in a practical difficulty that prohibits achieving the required front setback. The wetland buffer restricts the effectiveness of using the optional lot size of 18,000. Using the optional lot size removes the wetlands from the lots and provides for only a small portion (17%) of the 25' buffer on the lots.

The regulations require protection of the environmentally sensitive features. Strict adherence to regulations on this site would result in unreasonable hardship for the owner and less protection of the streams, wetlands and forest resources.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;

Approval of the Alternative Compliance will not confer to the applicant any special privilege that would be denied to other applicants as the approval will not help the applicant create any additional lots and the setback provided and separate access drives will protect more of the environmental features on site.

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

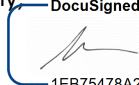
There is no evidence that this proposal will be detrimental to the public health. The proposed plan appears to benefit the public interest by allowing the development to maximize open space, forest conservation, protections of streams and wetlands and reduce forest clearing and impervious surface.

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

1. A minimum of two signs on Lot 1 and two signs on Lot 2 shall be posted at the edge of the wetland buffer for the purpose of notifying the home owner that according to Section 16.116(a)(1) of the Howard County Subdivision and Land Development Regulations, grading, removal of vegetative cover, paving and new structures are prohibited within 25' of a wetland. The posting of this sign demarks the edge of the 25' required buffer. No prohibited activities beyond this point. This sign is to remain posted and maintained by the homeowner.
2. Provide the location and a detail of the signs required in condition number 1 on the final plans, F-21- 035 and on future site development plans.
3. Include a note on all plan submissions with this Alternative Compliance file number, a summary of the request, date of approval and all conditions of approval.
4. Compliance with SRC agency comments for processing final plan F-21-035.

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) 313-2350 or email at ddepres@howardcountymd.gov.

Sincerely,
DocuSigned by:

1EB75478A22B49A
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Mildenberg Boender & Assoc., Inc.
F-21-035 Fairmount Woods



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 8021 OLD MONTGOMERY ROAD, ELKRIDGE, MD 21075

Subdivision Name/Property Identification: Fairmont Woods, Lots 1-4 & Open Space Lot 5

Location of property: ADC MAP-34, GRID-D1

Existing Use: Residential

Proposed Use: Residential

Tax Map: 37

Grid: 2

Parcel No: 27

Election District: First

Zoning District: R-20

Total site area: 3.491

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:

ECP-20-044

F-21-035

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 |
|-----------------------|---|
| 16.127.(c)(4)(i) | Requesting to be allowed to provide two separate UIC driveways, one serving lots 1 & 2 and other serving lots 3 & 4 in order to maximize area of forest conservation easement and open space, minimize impervious pavement. |
| 6.127(c)(4)(ii) | In an effort to create better lot layout and house orientation for lots 1 and 2 we are requesting to provided 50' front yard setback instead of the calculated average BRL of 89' |

| Section Reference No. | Brief Summary of Request |
|-----------------------|--|
| 16.120(b)(4)(iii)(c) | Requesting to allow the placement of the wetland buffer in the back of lots 1 and 2. |
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Signature of Property Owner: *B. James Greenfield, Trustee* Date: 4/15/21

Signature of Petitioner Preparer: *[Signature]* Date: 4.15.2021

Name of Property Owner: *COLUMBIA BUILDERS GROUP, LLC* Name of Petitioner Preparer: Mildenberg Boender & Assoc.

Address: 6420 Autumn Sky Way Address: 7350 B Grace drive

City, State, Zip: Columbia, Maryland 21044 City, State, Zip: Columbia, MD, 21045

E-Mail: jgreenfield@columbiabuildersinc.com E-Mail: salomer@mba-eng.com

Phone No.: 443-324-4732 Phone No.: 410-997-0296

Contact Person: James Greenfield Contact Person: Sam Alomer

Owner's Authorization Attached