



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 9, 2022

Dorsey Overlook LLLP
5670-B Furnace Ave
Elkridge, MD 21075
Attn: Jeff Kirby

RE: WP-22-014 Dorsey Overlook

Dear Mr. Kirby:

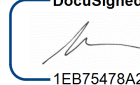
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On March 3, 2022 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove six (6) specimen trees which are greater than 30" in diameter. 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. 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

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

cc: Research
DLD - Julia Sauer
Real Estate Services
Vogel Engineering + Timmons
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-22-014 Dorsey Overlook**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Dorsey Overlook LLLP
5670-B Furnace Ave
Elkridge, MD 21075
Attn: Jeff Kirby

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 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove six (6) specimen trees which are greater than 30" in diameter. The Directors deliberated the application in a meeting on March 3, 2022.

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 six (6) 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 property is encumbered with an intermittent stream and buffer, wetland and buffer and a wooded area to remain within a Forest Conservation Easement. There is approximately 46' of vertical grade from the southeast corner of the site to the northwest property corner. The project has been designed to avoid impacts to the environmental features by using retaining walls and buildings which can accommodate the existing grades. Specimen Trees #2, 3, 4, 5 and 7 are in "poor" condition and will be a potential safety hazard for residents if the trees were to fail. Specimen Tree #1 is in "fair" condition, but the tree is located approximately 12' from the existing church foundation and approximately 48' from two vacant houses which will be razed. The removal of the existing structures and foundations will result in unavoidable disturbance to a significant portion of the critical root zone.

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

The site is restricted due to environmental features, property geometry, adjacent rights-of-way and topography. Due to these constraints, the proposed unit yield is substantially less than permitted by the "R-APT" zoning regulations. Five of the six specimen trees to be removed are in "poor" condition and the other specimen tree will

be unavoidably impacted by the removal of existing structures. Strict enforcement of the regulations would deprive the landowner of the potential to develop the site with apartments, which is the intended land use for the "R-APT" zoning district.

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 include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. Currently, the property does not contain stormwater management or storm drainage features for the existing development. The proposed project will provide Environmental Site Design stormwater practices and storm drainage to safely convey runoff to the existing stream system. The project proposes to retain the existing wooded area and environmental features within a perpetual Forest Conservation Easement.

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

The proposed project will be required to plant at least 12 native shade trees onsite as mitigation for the removal of the 6 specimen trees. The trees will be located in areas of the development that will ensure their long-term protection. Five of the specimen trees to be removed are in "poor" condition and will pose a safety hazard to future residents and structures if the trees were to fail. The other specimen tree is located in a central area of the proposed development and must be removed for reasonable development of the site. The tree will also be unavoidably disturbed for the removal of existing structures.

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

The variance request is not based on conditions or circumstances which are the result of actions by the applicant. The environmental features and other site constraints limit the developable area of the property. The removal of Specimen Tree #1 is required for reasonable development of the site and the other 5 specimen trees are in "poor" condition.

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.

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

The original request also included Specimen Trees #8 and #9 near the intersection of Columbia Road and Clarksville Pike. Based on comments issued by the County in a deferral letter dated 9/10/21 and a 'Revise and Resubmit' letter dated 2/1/22, alternative designs were pursued by the applicant and these trees are not longer requested for removal.

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

1. The removal of Specimen Trees #1-5 and #7 is hereby permitted, as shown on the Alternative Compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request. Disturbance to the critical root zone of the remaining specimen trees shall be limited to a maximum of 30%. Protective measures shall be utilized during construction to protect the specimen trees which are proposed to remain. Details shall be provided on the Site Development Plan.

- The applicant shall mitigate the removal of the six specimen trees by planting a minimum of 12 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided on the Site Development Plan. The trees will be bonded with the Developer's Agreement along with the required landscaping. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme
Vogel Engineering + Timmons
Marian Honecny, MD DNR



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 1, 2022

Dorsey Overlook LLLP
5670-B Furnace Ave
Elkridge, MD 21075

RE: WP-22-014 Dorsey Overlook

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 property was reviewed and the Department of Planning and Zoning is requesting you **Revise and Resubmit** your proposal. Please see the attached comments for more information.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 2 copies

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before March 18, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

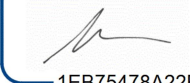
Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

Attachments: DLD comments

cc: Research
DLD - Julia Sauer
Vogel Engineering + Timmons



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

September 10, 2021

Dorsey Overlook LLLP
5670-B Furnace Ave
Elkridge, MD 21075

RE: WP-22-014 Dorsey Overlook

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 property was reviewed and no action can be taken until the enclosed comments have been addressed and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 2 copies

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before October 25, 2021***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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Anthony Cataldo, AICP, Chief
Division of Land Development

Attachments: DLD comments

cc: Research
DLD - Julia Sauer
Vogel Engineering + Timmons



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Dorsey Overlook

Subdivision Name/Property Identification: Dorsey Overlook SDP-20-074

Location of property: Columbia Road / Old Route 108

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 30 **Grid:** 9 **Parcel No:** 51-55, 67 & 288 **Election District:** 2nd

Zoning District: R-APT **Total site area:** 4.49 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-16-112
 S-16-004
 BA-20-003V

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
16.1205(a)(3)	Trees 30 inches in diameter or larger
16.120(b)(4)(iii)(d)	Condominium units 15' from protected environmental features

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Date:

8-3-21

Signature of Petitioner Preparer:

Date:

8/3/21

Name of Property Owner:

Dorsey Overlook LLLP

Name of Petition Preparer:

Vogel Engineering + Timmons Group

Address:

5670-B Furnace Avenue

Address:

3300 North Ridge Road., Suite 110

City, State, Zip:

Elkridge, MD 21075

City, State, Zip:

Ellicott City, Maryland 21043

E-Mail:

jeff@kirbydev.com

E-Mail:

rob.vogel@timmons.com

Phone No.:

410-538-2375

Phone No.:

410-461-7666

Contact Person:

Jeff Kirby

Contact Person:

Robert H. Vogel

Owner's Authorization Attached