



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 24, 2021

Jason Shandid
5925 Northern Court
Elkridge, MD 21075

RE: WP-22-019, Stanley Miller, Lot 13

Dear Mr. Shandid:

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 September 24, 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 16.120(b)(4)** of the Subdivision and Land Development Regulations which states for lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4) 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;

Lot 13 of the Stanley Miller subdivision is a completely wooded 5.7-acre undeveloped lot that was created in April 1974 prior to the 1993 Forest Conservation Act and restrictions that limit creating forest conservation easements to only lots 10 acres or greater. The applicant proposes to preserve 3.7 acres of on-site forest in a forest conservation easement to fulfill the forest conservation requirements. This will allow 2.0 acres of land for the property owner to build a single-family detached home and ample area for any future improvements such as additions, decks, pools etc. This will preserve, in perpetuity, 3.7 acres of forest on-site rather than the applicant addressing the obligation off-site and permitting them to, potentially, remove all the existing forest over time. Adjoining Lots 11, 14 & 15 are also less than 10 acres and are predominately wooded and were developed with single-family detached homes in the 1980's. As such, these lots were not required to meet the forest conservation requirements at the time of subdivision and must do so on a site by site basis as the land is developed. The Forest Conservation regulations prioritize on-site retention to address forest conservation requirements. In this case, the site does provide the opportunity to meet this goal while preserving existing forest and eliminating the future removal of the existing forest resource. Strict conformance with the requirement of 16.120(b)(4)(iii)(b) would require the owner to address Forest Conservation off-site or through payment of a fee-in-lieu and deprive the applicant the right to develop their lot with a single-family home as the immediate neighbors have.

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 lot was created in 1974 before the forest conservation regulations and restrictions. The lot is completely wooded, which requires more than 20,000 square feet of forest to be removed to reasonably develop the property with a single-family detached home. This restricts the property from using forest conservation exemptions that are typically used for development of non-wooded or partially wooded existing lots. Not allowing existing forest to be retained in a permanent easement on this lot creates a practical difficulty since the lot is completely wooded and was created prior to being subject to the forest conservation requirements. Strict adherence to the regulations would not ensure these forest resources are protected and retained.

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

The proposed forest conservation easement will serve as a perpetual protection for the forested area and is not a special privilege that would be denied to other applicants since retaining existing forest is a preferred method to fulfill the forest conservation obligation for an existing residential lot. The neighboring properties were created at the same time, of similar size and predominately forested and were permitted to construct a single-family home.

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

The proposed request is not detrimental to the public health; safety or welfare, or injurious to other properties. Protecting existing on-site forest is considered the preferred method of meeting the forest conservation obligation. Approval of the requested alternative compliance will allow for the permanent protection of existing on-site forest that will be beneficial to the watershed and habitat in the area. The forest retention area is along the perimeter of the property and will provide a buffer from existing development, and the lot will provide a 35' building setback from the forest retention easement, which is required by the current regulations.

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


1. Simplified Environmental Concept Plan (SECP) must be submitted to the Department of Planning and Zoning and approved prior to application of a grading or building permit. The SECP application must include a combine Forest Stand Delineation and Forest Conservation Plan.
2. A forest conservation plat of easement must be submitted to the Department of Planning and Zoning concurrently with the SECP. The plat must be recorded in the Land Records Office of Howard County prior to application of a grading or building permit.
3. The Alternative Compliance and its conditions of approval must be added as a general note to the plat of easement.
4. No grading, removal of vegetative cover and trees, paving and new structures are permitted within the forest conservation easement and required buffer.
5. Forest Conservation signs must be posted along the entire perimeter of the forest conservation easement with no more than 50' of spacing between each sign.
6. A 35' environmental setback shall be established from the boundary of the forest conservation easement. No principal structures may be permitted within the environmental setback, except that a deck may project ten feet beyond the building envelope. Any future plan or permit must delineate the environmental features and the required 35' environmental setback.

7. The limit of disturbance, associated with development of the lot, must be setback 15' from the Forest Conservation Easement

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

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jw

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
FCC



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: LOT 13

Subdivision Name/Property Identification: STANLEY MILLER, LOT 13

Location of property: 16467 FREDERICK ROAD, WOODBINE, MD 21797

Existing Use: Proposed Use: RESIDENTIAL

Tax Map: 07 **Grid:** 10 **Parcel No:** 467 **Election District:** FOURTH

Zoning District: RC-DEO **Total site area:** 5.70 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:

[Redacted area for previous plans]

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
Section 16.120(b)(4)	Section 16.120(b)(4) Usable design. Residential lots shall be designed to be usable in terms of: (iii) Not being encumbered by environmentally sensitive features: (b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope;
[Redacted]	[Redacted]

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *[Signature]* Date: 7/15/21

Signature of Petitioner Preparer: *[Signature]* Date: July 16, 2021

Name of Property Owner: JASON SHADID Name of Petition Preparer: FISHER COLLINS & CARTER

Address: 5925 NORTHERN CT. Address: 10272 BALT. NATIONAL PIKE
ELLICOTT CITY MD 21042

City, State, Zip: ELKRIEGE MD 21075 City, State, Zip: PAUL C @ FCC-ENG.COM

E-Mail: JJSHADID@GMAIL.COM E-Mail: [Redacted]

Phone No.: 410 493-1782 Phone No.: 410 461 2855

Contact Person: JASON SHADID Contact Person: PAUL G. CAVANAGH

Owner's Authorization Attached