



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

July 27, 2022

Christopher Baker
13510 Golden Corn Drive
Highland, MD 20777
Sent via email to cbaker20su@gmail.com

RE: WP-22-079 Shepherd L. McDuffie, Lot 1
13510 Golden Corn Drive

Dear Mr. Baker:

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 July 14, 2022 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **partially approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iii) and 16.115(c)(2)** of the Subdivision and Land Development Regulations to retroactively approve removal of vegetative cover and trees within 100 feet of a Use IV stream and within the 100-year floodplain. 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 Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:
 for
29266B221B8841E...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js
cc: Research
DLD - Julia Sauer
FCC



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Amy Gowan, Director

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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-079 Shepherd L. McDuffie, Lot 1 (13510 Golden Corn Drive)**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: Christopher Baker
13510 Golden Corn Drive
Highland, MD 20777

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **partially approved** removal of vegetative cover and trees within the stream bank buffer encumbered by the sewage disposal area only and **denied** removal of vegetative cover and trees within the stream bank buffer, excepting the sewage disposal area, and within the 100-year floodplain as included in the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(iii) and 16.115(c)(2)** of the Subdivision and Land Development Regulations. The purpose is to retroactively approve removal of vegetative cover and trees within 100 feet of a Use IV stream and within the 100-year floodplain. The Directors deliberated the application in a meeting on July 14, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would partially result in unreasonable hardship or practical difficulty. 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 16.104(a)(1) and Section 16.116(d):

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

The 2.88-acre property is Lot 1 of the Shepherd L. McDuffie residential subdivision that was recorded in 1987. The southern portion of the property includes 100-year floodplain, a Use IV stream and 100-foot stream bank buffer, and the northern portion of the property includes the single-family detached house and accessory swimming pool. Between 2020 and March 2021, vegetative cover and trees were removed within the 100-foot stream bank buffer. The property owner was noticed that the clearing was prohibited within the buffer and advised of the corrective actions needed to comply with the regulations. Strict conformance with the requirements would require the limit of disturbance within the stream bank buffer to be restored and replanted to the previous natural condition. A portion of the cleared area within the buffer is within the 10,000 square foot sewage disposal area that is needed to safely maintain, repair or replace the on-site sewage disposal system. Approval of the alternative compliance is to retroactively approve the removal of vegetation within the sewage disposal area only, which is a right enjoyed by others with on-site sewage disposal systems. The remaining limit of disturbance within the 100-foot stream

bank buffer and 100-year floodplain as identified on the “Alternative Compliance Plan Existing Conditions (2021)”, must be replanted with a mix of shade trees, understory trees and shrubs.

2. The 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 sewage disposal area was established on the lot prior to adoption of the stream bank buffer regulations and the location was based on topographical conditions. Strict adherence to the regulations would require a portion of the sewage disposal area, that is within the buffer, to be replanted creating the need to remove the plantings if a replacement on-site sewage disposal system is required in the future. Removal of vegetative cover and trees for utilities would be considered necessary stream bank buffer disturbance which is essential for reasonable development of the property.

The directors deliberated and found that the applicant failed to prove uniqueness of the property exists, that would result in a practical difficulty or unreasonable hardship with conforming to the regulations on the portion of clearing outside of the sewage disposal area.

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

Approval of the variance will not confer to the applicant a special privilege that would be denied to other applicants. The 10,000 square foot sewage disposal area is the minimum area needed to comply with the on-site sewage disposal system requirements and may be cleared to repair, replace and maintain the sewage disposal area.

The directors acted to deny the request to clear the remaining portion of the 100’ stream buffer that was depicted as vegetated on the applicants exhibit “Alternative Compliance Plan Existing Conditions (2021)”. This required replanting reflects that this is not a special privilege to this applicant.

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

The purpose of the sewage disposal regulations is to protect the public health, safety and welfare by establishing requirements for the ownership, operation, repair and maintenance of on-site sewage disposal systems, consistent with Health Department requirements. The 10,000 square foot sewage disposal area delineated on the subdivision plat is the minimum area needed for the installation of an initial and two replacement on-site sewage disposal systems. The remaining stream bank buffer area within the limit of disturbance and 100-year floodplain will be replanted.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

In order to return the 100-foot stream bank buffer and 100-year floodplain to its natural condition, the limit of disturbance within the buffer and floodplain will be replanted with a mix of shade trees, understory trees and shrubs, excepting the sewage disposal area.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

In order to restore the vegetative habitat and minimize adverse impacts to water quality, the limit of disturbance within the 100-foot stream bank buffer and 100-year floodplain will be replanted with a mix of shade trees, understory trees and shrubs, excepting the sewage disposal area.

7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.

The limit of disturbance within the 100-foot stream bank buffer and 100-year floodplain will be replanted, except the sewage disposal area, which is the minimum necessary to afford relief to accommodate future sewage disposal improvements and repairs.

Directors Action: Partial approval of alternative compliance of Section 16.116(a)(2)(iii) is subject to the following conditions:

1. The plantings must be installed as shown on the July 2022 "Stream Buffer Landscape Exhibit". The tree and shrub species must be updated to reflect a mixture of 5 native species of each category to be used. In addition to those plantings, the petitioner must also plant and additional 25 trees within the stream bank buffer Limit of Disturbance area as shown on the "Alternative Compliance Plan Existing Conditions (2021)", excepting the sewage disposal area. The 25 trees must include 75% native shade trees and 25% native understory trees. The trees must include a mix of at least 5 different, native tree species.
2. The Simplified Environmental Concept Plan must be revised to include the required planting plan described in condition #1.
3. Code violations related to code enforcement case CE-21-051, will not be considered abated until the landscape plantings are installed per the approved Simplified Environmental Concept Plan and inspected for compliance.
4. The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of the required landscaping. All required plantings shall be maintained in good growing condition and, whenever necessary, replaced with comparable new plant materials to ensure continued compliance with this alternative compliance petition.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Thomas Meunier

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Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DPW, Thomas Meunier



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

July 6, 2022

Christopher Baker
13510 Golden Corn Drive
Highland, MD 20777
Sent via email to cbaker20su@gmail.com

RE: WP-22-079 Shepherd L. McDuffie, Lot 1
13510 Golden Corn Drive

Dear Mr. Baker:

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.


Pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered your request for alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Subdivision and Land Development Regulations to allow removal of vegetative cover and trees within 100 feet of a perennial stream bank and is requesting you **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (on or before August 20, 2022*).

***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.**

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js
cc: Research
DLD - Julia Sauer
FCC



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ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-079 Shepherd L. McDuffie, Lot 1 (13510 Golden Corn Dr.)**
Request for an alternative compliance to Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations.

Applicant: Christopher Baker
13510 Golden Corn Dr.
Highland, MD 20777

The above referenced application to allow grading and removal of vegetative cover and trees within 100 feet of a perennial stream bank was reviewed on June 1, 2022. Pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered the applicant’s request for an alternative compliance with respect to **Section 16.116(a)(2)(iii)** of the Howard County Subdivision and Land Development Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. Approximately 22,000 SF of vegetation was removed within the stream bank buffer according to aerial photographs and the limit of disturbance depicted on the alternative compliance exhibit. This extent of clearing cannot be supported, and the stream bank buffer must be replanted to an acceptable amount and location.
2. The Director’s met with the petitioner on June 29, 2022 to discuss options for mitigating the cleared stream bank buffer. The petitioner has elected to revise and resubmit the alternative compliance exhibit and offer a replanting plan that is a reasonable response to the clearing that has occurred. The replanting plan should show the proposed limit of replanting, the number of plantings and type of species to be planted.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director

Department of Planning and Zoning

DocuSigned by:

Thomas Meunier

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Thomas Meunier, Director

Department of Public Works

DocuSigned by:

Joshua Feldmark

3241B974513F4B7
Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DPW, Thomas Meunier



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Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

March 11, 2022

Christopher Baker
13510 Golden Corn Drive
Highland, MD 20777
Sent via email to cbaker20su@gmail.com

RE: WP-22-079 Shepherd L. McDuffie, Lot 1
13510 Golden Corn Drive

Dear Mr. Baker:

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.

Two 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. The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before April 25, 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.

Compliance with all conditions and/or corrections is required before the revised plan will be accepted for review. Please contact Melissa Maloney of the Department of Planning and Zoning at mmaloney@howardcountymd.gov to schedule an appointment to resubmit the information or drop off the submission in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. **Please include a copy of this letter with the revised submission as it will serve as the checklist for staff.**

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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

AC/js

Attachments:

cc: Research
DLD - Julia Sauer
FCC



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3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

Subject: WP-22-079 Shepherd L. McDuffie, Lot 1 (13510 Golden Corn Drive)

To: Paul G. Cavanaugh, P.E.
Fisher, Collins and Carter, Inc.

From: Julia Sauer, Planning Supervisor
Division of Land Development
jsauer@howardcountymd.gov
410-313-4342

Date: February 22, 2022

Pursuant to Section 16.104(b)(1) of the Subdivision and Land Development Regulations, the Division of Land Development requests the following additional information be provided with a resubmission.

1. Please clearly label and delineate the Class IV-P perennial stream bank. The 100-foot stream bank buffer is taken from the stream banks.
2. Is there any additional vegetative clearing or grading proposed under this request, or is the request solely for the unauthorized clearing that was previously completed?
3. In the legend, what does the 2021/2017 language represent for the lawn area and individual trees? Do the individual trees shown on the plan exist today? Or have they been removed and replaced with a lawn area?
4. Is the tree line what exists today or what previously existed prior to clearing? Existing Forest (2020) was 2.01 acres and the Forest to be Retained (2021) is 0.79 acres. With forest clearing over 20,000 SF, please explain how the property will comply with the forest conservation regulations.
5. In the Site Analysis Chart, please include a line item that incorporates the septic area in the LOD. Were upgrades made to the septic reserve area that required tree/forest clearing?
6. Please delineate the fence on the property.
7. What is the owner's intent for the area labeled as brush, which was cleared, and is within the stream bank buffer? Will this be maintained as a mowed lawn? According to aerial photographs, much of the stream bank buffer was forested until the unauthorized clearing. What mitigation is proposed for clearing the stream bank buffer?
8. The justification for the request does not prove an unreasonable hardship or practical difficulty. The justification states that the owner should have the ability to maintain the property; however, the property was not maintained as a forest, and instead, over 5,000 SF of forest was cleared. In accordance with Section 16.116(d)(1)(i) of the Subdivision and Land Development Regulations, any area if disturbance should be returned to its natural condition to the greatest extent possible. Please revise the justification to explain the unreasonable hardship and practical difficulty in complying with the regulation and how the property will be returned to its natural condition.

Certificate Of Completion

Envelope Id: 7C4D17C713FB4AF6ABB97D1F32DE6BC1	Status: Completed
Subject: Please DocuSign: WP-22-079 Deferral.docx, WP-22-079 DLD Comments.docx	
Source Envelope:	
Document Pages: 2	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Enveloped Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 69.243.46.152

Record Tracking

Status: Original	Holder: Anthony Cataldo	Location: DocuSign
3/11/2022 9:38:41 AM	acataldo@howardcountymd.gov	

Signer Events

Anthony Cataldo
 acataldo@howardcountymd.gov
 Division Chief
 Howard County Government
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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 Signature Adoption: Uploaded Signature Image
 Using IP Address: 69.243.46.152

Timestamp

Sent: 3/11/2022 9:39:45 AM
 Viewed: 3/11/2022 9:39:50 AM
 Signed: 3/11/2022 9:40:12 AM
 Freeform Signing

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

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Intermediary Delivery Events

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Timestamp

Certified Delivery Events

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Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

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Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	3/11/2022 9:39:45 AM
Certified Delivered	Security Checked	3/11/2022 9:39:50 AM
Signing Complete	Security Checked	3/11/2022 9:40:12 AM
Completed	Security Checked	3/11/2022 9:40:12 AM

Payment Events

Status

Timestamps



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 13510 Golden Corn Drive, Lot 1 (*Shepherd L. McDuffie*)
Subdivision Name/Property Identification: Baker Property *Subdivision*
Location of property: 13510 Golden Corn Drive
Existing Use: Residential **Proposed Use:** Residential
Tax Map: 34 **Grid:** 16 **Parcel No:** 177 **Election District:** Fifth
Zoning District: RR-DEO **Total site area:** 2.88 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:

F-87-060, Plat No. 7521.

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 16.115(c)(2)	Sec. 16.115. - Floodplain preservation. (c) Prohibitions on Use of Floodplain Land: (2) No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning upon the advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code.
Section 16.116(a)(2) (iii)	Sec. 16.116. - Protection of wetlands, streams, and steep slopes. (a) Streams and Wetlands: (2) Grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within: (i) Fifty feet of an intermittent stream bank; (ii) Seventy-five feet of a perennial stream bank for Use I streams as classified by the Maryland Department of the Environment in residential zoning districts and residential and open space land uses in the NT, PGCC, and MXD districts; (iii) One hundred feet of a perennial stream bank for Use III and IV streams; and (iv) Fifty feet of a perennial stream bank in nonresidential zoning districts.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Paul G. Cavanaugh - Agent* Date: *Jan 18, 2022*

Signature of Petitioner Preparer: *Paul G. Cavanaugh* Date: *Jan 18, 2022*

Name of Property Owner: Christopher Baker Name of Petition Preparer: Fisher, Collins, and Carter, INC.

Address: 13510 Golden Corn Drive Address: 10272 Baltimore National Pike

City, State, Zip: Highland, MD 20777 City, State, Zip: Ellicott City, MD 21042

E-Mail: cbaker20su@gmail.com E-Mail: PDOX@FCC-ENG.COM

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

Contact Person: Christopher Baker Contact Person: Paul G. Cavanaugh

Owner's Authorization Attached