



# 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

June 22, 2022

Kevin Wynne  
5668 Trotter Road  
Clarksville, MD 21029

RE: WP-22-100, Wynne Property

Dear Mr. Wynne:

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 June 9, 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 1205(a)(3)** of the Subdivision and Land Development Regulations to remove specimen tree #2 as shown on the ACP exhibit. Please see the attached Final Decision Action Report for more information.

On June 9, 2022 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 127(c)(4)(i)** of the Subdivision and Land Development Regulations to construct a single use driveway.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 127(c)(4)(i) 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 existing lot has approximately 168 feet of public road frontage onto Trotter Road and will be subdivided into two lots. The existing house is situated about 91 feet from Trotter Road, 30 feet from the southern property line and 39 feet from the northern property line. The existing driveway is located along the southern property line leading to a sideload garage. The new house will be situated behind the existing house via a pipestem lot proposed along the northern property line. Given the existing house location, there are two design options to conform with the regulation. One option is to place the required 20-foot wide pipestem along the southern property line and use the existing access. This design would provide 10 feet from the existing sideload garage to the property line of the pipestem and make it impracticable to provide a 16-foot wide shared driveway, 10-foot wide landscape buffer and park vehicles in the driveway for the sideload garage. This option would also provide access to the proposed house from the lower side of the

lot and force the grades and could potentially cause drainage issues. There would not be adequate space to provide a micro-bioretention facility to treat runoff for the driveway, relying on other stormwater management methods that are not supported for infill subdivisions (per Section 16.127(c)(4)(iv)). The proposed driveway along the northern side of the property would place the driveway at a higher grade, which best suits the proposed stormwater management and will allow for runoff to the proposed micro bioretention facility. The second option is to provide a shared driveway along the front of the existing house to allow access to the existing garage and provide a driveway for the new house along the northern property line. This would allow the proposed driveway for the new house to be placed at a higher point which will allow for proper grading for the proposed stormwater management but increase the amount of impervious driveway. This would also result in a parallel driveway from Trotter Road that is 100 feet long and would contradict the guidelines for developing land abutting a scenic road, which aims to minimize grading and retain existing slopes along the scenic road frontage and preserve the foreground. Allowing two separate driveways will provide a better placement for proposed house without having a driveway going through the front yard to connect with the existing driveway. Although it includes an additional access point, the result better protects the visual quality of the scenic road which is commonly afforded to others in similar areas along scenic roads. The proposed and existing driveway will have over 100 feet of separation, which is similar to other driveway separations for existing houses on Trotter Road.

**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 location of the existing house with the existing driveway on the lower side of the property provides a unique condition for designing the subdivision and stormwater management. The proposed driveway should be on the higher side of the property to allow for proper grading and treatment of the proposed impervious surface via a micro-bioretention facility. Use of the existing driveway would cause a practical difficulty resulting in inefficient stormwater management design and will prevent having a parallel driveway through the front yard of the existing house.

**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 a special privilege that would be denied to other applicants as the conditions listed above outline the difficulties in having one driveway for both lots and the provides a design that is more compatible with the existing houses in the neighborhood.

**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 for a separate driveway entrance to the new home will be detrimental to the public health. The proposed plan appears to benefit the public interest by reducing the impervious area and creating a design that is compatible with the existing neighborhood while maintaining the driveway and garage access for the existing house

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

1. Include a note on all plan submissions with this Alternative Compliance file number, a summary of the request, date of approval and conditions of approval.

2. Compliance with all SRC comments F-21-016, Wynne Property

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 Jennifer Wellen at (410) 313-2350 or email at [jwellen@howardcountymd.gov](mailto:jwellen@howardcountymd.gov).

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/jw

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



# 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

## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-22-100, Wynne Property, Lots 1 & 2**  
*Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.*

**Applicant:** Kevin Wynne  
5668 Trotter Road  
Clarksville, MD 21029

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 for the removal of specimen tree #2. The Directors deliberated the application in a meeting on June 9, 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.**  
There are two specimen trees on site and the applicant is proposing to remove Specimen Tree #2 (31" Beech) to allow for the construction of the new SFD. Based on the site layout, lot shape and topography that dictate the location of the proposed house and storm water management facility, the 31" Beech tree would need to be removed. The outfall location was selected to tie into the existing drainage easement and the size of the SWM facility is needed to treat the run-off created by the proposed impervious surfaces. The proposed stormwater management facility and outfall will have a significant impact on the tree's CRZ necessitating its removal.
- 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 commonly enjoyed by others in similar areas. Adjacent residential lots are approximately one-half acre in size and are improved with single-family homes. Denying removal of Specimen Tree #2 would not allow the owner to develop his property in a similar way.
- 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 site will meet the current MDE design standards by using a micro-bioretenention facility to treat for water quality. The site will be stabilized after construction and sediment control measures will be used during construction. Also, with the removal of the specimen tree it will allow the new stormwater management facility to discharge into the existing private drainage 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 property is zoned R-20 and surrounded by R-20 properties. Subdividing the property into half acre lots is not a special privilege that would be denied to others in the same zoning district. The removal of the additional tree will require mitigation by planting two native trees with a 3" DBH. The current regulations require the same mitigation of all applicants.

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

The location of Specimen Tree # 2 and its respective critical root zone are centrally located within the developable area of the existing lot and not based on a condition that is the results of actions by the applicant. The applicant would not be allowed to reasonably develop the lot should the specimen tree remain.

**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 site conditions arise from a condition relating to land or building use on a neighboring property.

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

A drawing showing proposed minor subdivision was submitted along with photos. A representative from Recreation and Parks did a site visit and determined that the tree is in fair condition with branch dieback present and recent limb breakage. Some decay was observed in some of the scaffolding limbs.

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

1. The removal of specimen tree #2 is permitted and requires the onsite planting of 2 native trees with a DBH of 3". The trees shall be shown on the final subdivision landscape plan sheet and must be bonded as a landscape obligation

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

**Certificate Of Completion**

|  |                             |
|--|-----------------------------|
| Envelope Id: DFD78CE293E84C02B21E48497FEB0751                              | Status: Completed           |
| Subject: Please DocuSign: WP-22-100 DAR.docx.pdf, wp-22-100.apprl.ltr.docx |                             |
| Source Envelope:   |                             |
| Document Pages: 5  | 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**

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|----------------------|-----------------------------|--------------------|
| Status: Original     | Holder: Anthony Cataldo     | Location: DocuSign |
| 6/22/2022 1:58:27 PM | 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  
 Signed by link sent to  
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Sent: 6/22/2022 1:58:53 PM  
 Viewed: 6/22/2022 1:58:58 PM  
 Signed: 6/22/2022 1:59:07 PM  
 Freeform Signing

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| In Person Signer Events      | Signature        | Timestamp            |
|------------------------------|------------------|----------------------|
| Editor Delivery Events       | Status           | Timestamp            |
| Agent Delivery Events        | Status           | Timestamp            |
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| Witness Events               | Signature        | Timestamp            |
| Notary Events                | Signature        | Timestamp            |
| Envelope Summary Events      | Status           | Timestamps           |
| Envelope Sent                | Hashed/Encrypted | 6/22/2022 1:58:53 PM |
| Certified Delivered          | Security Checked | 6/22/2022 1:58:58 PM |
| Signing Complete             | Security Checked | 6/22/2022 1:59:07 PM |
| Completed                    | Security Checked | 6/22/2022 1:59:07 PM |
| Payment Events               | Status           | Timestamps           |





**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:  
 File No. WP-22-100  
 Date Filed 3/15/22

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 5668 TROTTER RD, CLARKSVILLE 21029  
**Subdivision Name/Property Identification:** WYNNE PROPERTY lots 1&2  
**Location of property:** ADC MAP 14, GRID H-6  
**Existing Use:** RESIDENTIAL **Proposed Use:** RESIDENTIAL  
**Tax Map:** 35 **Grid:** 02 **Parcel No:** 167 **Election District:** FIFTH  
**Zoning District:** R-20 **Total site area:** 1.05 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:

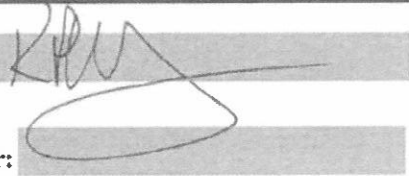
ECP-21-045  
 F-22-016

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.

| Section Reference No. | Brief Summary of Request                                     |
|-----------------------|--|
| 16.1205(a) (3)        | Allow removal of one specimen tree.                          |
| Sec. 16.127.(c)(4)(i) | Allow the creation of a second access point onto Trotter Rd. |
|                       |  |
|                       |  |
|                       |  |

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Signature of Property Owner:



Date: 3/8/2022

Signature of Petitioner Preparer:



Date:

Name of Property Owner: Kevin Wynne

Name of Petition Preparer: Mildenberg Boender & Assoc.

Address: 5668 TROTTER RD.

Address: 8318 Forrest St., suite 300

City, State, Zip: CLARKSVILLE, MD 21029

City, State, Zip: Ellicott City, MD 21043

E-Mail: interlock@interlocksteelworkers.com

E-Mail: salomer@mba-eng.com

Phone No.:

Phone No.: 410-997-0296

Contact Person: Kevin Wynne

Contact Person: Sam Alomar

Owner's Authorization Attached