



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 6, 2022

Chiara D'Amore, Ph.D.
The Ecology Institute, LTD
8000 Harriet Tubman Lane
Columbia, MD 21044

RE: WP-22-104 Community Ecology Institute
Alternative Compliance Application Approved

Dear Ms. D'Amore:

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 1, 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 16.1202(a)** of the Subdivision and Land Development Regulations to defer the site development plan (SDP) and forest conservation plan (FCP) until a later date in order to construct needed improvements to parking and add an access ramp and stairs to the existing structure prior to approval of a comprehensive site development plan. Following this phase of improvements, the applicant intends to submit for review and approval an SDP and FCP to bring the site into compliance with the conditional use plan approved as BA-19-029C. **Please see the attached Final Decision Action Report for more information.**

On June 1, 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 16.155(a)** of the Subdivision and Land Development Regulations to defer the site development plan (SDP) and forest conservation plan (FCP) until a later date in order to construct needed improvements to parking and add an access ramp and stairs to the existing structure prior to approval of a comprehensive site development plan. Following this phase of improvements, the applicant intends to submit for review and approval an SDP and FCP to bring the site into compliance with the conditional use plan approved as BA-19-029C.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan and Forest Conservation Plan now for the proposed project. The area in question is less than 11,000 SF of a

large 6.39 acre site and consists of existing improvement that are to be reused. The structure and gravel parking area exist on site and the owner has submitted a building permit application to bring the existing structure into code compliance. They have also applied to the Department of Inspections Licenses and Permits for a use and occupancy permit. There is no significant impact or alteration to access, parking, circulation, drainage, landscaping, structures or other site features. Through discussions related to this alternative compliance, the owner agrees to pursue a site development plan and address Forest Conservation for the entire site following this phase of improvements. The new, overall SDP to accommodate the full improvements approved in BA-19-029C will require a thorough review and recording of Forest Conservation easements which will include this disturbance as well as those associated with the previous SWM facility. A comprehensive approach to addressing and organizing the required forest conservation easement on the overall site would delay the immediate use of the existing structure for the time involved to review and process the new SDP and FCP would result in an unreasonable hardship for the applicant.

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

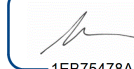
1. Any further revisions to SDP-84-192 shall be processed as a new SDP, as proposed by the applicant in the application for WP-22-104 and as required per Section 131.0.1 of the Zoning Regulations.
2. Submission of a new SDP is required within 180 days (on or before December 3, 2022) of approval of the Alternative Compliance WP-22-104 to bring the site into compliance with the regulations including BA-19-029C Conditional Use approval plan, the Subdivision and Land Development Regulations, Forest Conservation, storm water management, landscaping regulations and all applicable County and State regulations.
3. The plan exhibit dated 5/11/22 will serve as the substitute plan to obtain permits for the 0.25 AC LOD shown around the barn only. No other work is to be permitted or approved with the plan exhibit.

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 requested alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Donna Despres at (410) 313-2350 or email at ddepres@howardcountymd.gov.

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

Attached: Directors Action Report

cc: Research
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR (if waiver to forest conservation sections)
Jason Van Kirk



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Ellicott City, Maryland 21043

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Amy Gowan, Director

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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-22-104 Community Ecology Institute**
Request for a variance to Section 16.1202(a) of the Subdivision and Land Development Regulations.

Applicant: Chiara D'Amore
The Ecology Institute, LTD
8000 Harriet Tubman Lane
Columbia, MD 21044

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 16.1202(a)** of the Forest Conservation Regulations. The purpose is to defer the forest conservation plan (FCP) until a later date in order to construct needed improvements to parking and add an access ramp and stairs to the existing structure and begin use of that portion prior to approval of a comprehensive site development plan which will include a Forest Conservation Plan. The Directors deliberated the application in a meeting on June 1, 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 unique in that the previous owner developed the property differently than shown on the approved SDP so the existing conditions on-site have little relation to the currently approved plan. Following the approval of the conditional use plan, CEI is working to bring the entire 6.39 acre site into compliance with the regulations while also providing an immediate opportunity to use existing structures and infrastructure to keep the program operational within existing structures. CEI is committed to developing a comprehensive plan and seeking more time to prepare and submit the required SDP and address Forest Conservation for the entire site while using a portion of the property as approved by the conditional use.

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

The applicant wishes to improve a small area of existing conditions for immediate use. The County's goal is to bring the site into compliance comprehensively without preventing continued use of the property during the process, a right commonly enjoyed by others in similar areas.

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 owner recently added a voluntary SWM facility. SWM was previously addressed with construction of the bio retention facility at Harriet Tubman Lane done under SDP-84-192 redline revision no. 2.

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

Granting the request does not confer a special privilege to the applicant that others would be denied. The applicant will be required to address forest conservation for the LOD associated with this project as well as the previous SWM facility with the comprehensive SDP for the entire site. This action will allow the applicant to use the existing structure on-site while providing time to complete the comprehensive SDP process to bring property into compliance as per BA-19-029C.

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

The applicant did not create the existing conditions. CEI purchased this property that was improved with structures and gravel roads/parking areas not in compliance with the approved SDP.

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; and

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 applicant does not seek an exemption to Forest Conservation, rather a deferral to address obligations comprehensively with the future required SDP for the entire site.

Directors Action: Approval of alternative compliance of Section 16.1202(a) is subject to the following conditions:

1. Any further revisions to SDP-84-192 shall be processed as a new SDP, as proposed by the applicant in the application for WP-22-104 and as required per Section 131.0.I of the Zoning Regulations.

2. Submission of a new SDP is required within 180 days of approval of the Alternative Compliance WP-22-104 to bring the site into compliance with the regulations including BA-19-029C Conditional Use approval plan, the Subdivision and Land Development Regulations, Forest Conservation, storm water management, landscaping regulations and all applicable County and State regulations.

3. The plan exhibit dated 5/11/22 will serve as the substitute plan to obtain permits for the 0.25 AC LOD shown around the barn only. No other work is to be permitted or approved with the plan exhibit.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delorme

88D74370B231414

Raul Delorme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme

Certificate Of Completion

Envelope Id: E1DCEC517C6047A2B1465B0890250643	Status: Completed
Subject: Please DocuSign: WP-22-104 Community Ecology Institute appr ltr.docx, WP-22-104 Community Ecolo...	
Source Envelope:	
Document Pages: 5	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Envelopeld Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 167.102.191.18

Record Tracking

Status: Original	Holder: Anthony Cataldo	Location: DocuSign
6/6/2022 8:53:14 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
 Signed by link sent to
 acataldo@howardcountymd.gov
 Using IP Address: 167.102.191.18

Timestamp

Sent: 6/6/2022 8:53:30 AM
 Viewed: 6/6/2022 8:53:36 AM
 Signed: 6/6/2022 8:54:09 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	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/6/2022 8:53:30 AM
Certified Delivered	Security Checked	6/6/2022 8:53:36 AM
Signing Complete	Security Checked	6/6/2022 8:54:09 AM
Completed	Security Checked	6/6/2022 8:54:09 AM
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-22-104
 Date Filed 4/11/22

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: The Community Ecology Institute - Freetown Farm

Subdivision Name/Property Identification: Freetown Farm

Location of property: 9000 Harriet Tubman Lane
 Columbia, MD 21044

Existing Use: Farm and Charitable and Philanthropic Institutions **Proposed Use:** Same

Tax Map: 35 **Grid:** 24 **Parcel No:** 126 and 127 **Election District:** 4th

Zoning District: R-20 **Total site area:** 6.39 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:

Case No. BA 19-029C
 SDP 84-192

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 16.155(a)	See attached justification.
Section 16.1202(a)	See attached justification.

Section Reference No.	Brief Summary of Request

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 3-22-2022

Signature of Petitioner Preparer:  Date: 3-22-22

Name of Property Owner: THE COMMUNITY ECOLOGY INSTITUTE LTD Name of Petition Preparer: Jason Van Kirk

Address: ~~5429 Emdicott Lane~~ 8000 Harnet Tubman Ln Address: 5693 Trotter Road

City, State, Zip: Columbia, MD 21044 City, State, Zip: Clarksville, MD 21029

E-Mail: cdamore@cei.earth E-Mail: jvankirk@elmstreetdev.com

Phone No.: 443-832-3824 Phone No.: 410-370-5531

Contact Person: Chiara D'Amore Contact Person: Jason Van Kirk

Owner's Authorization Attached