



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

January 19, 2023

Isabel Machado
13325 Forsythe Road
Sykesville, MD 21784

RE: WP-22-134 Machado Property – Lots 1 & 2

Dear Ms. Machado:

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 January 17, 2023, 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)(iii)(b)** of the Subdivision and Land Development Regulations to allow environmental features on lots less than ten acres.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4)(iii)(b) 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 subject property is restricted due to the location of the existing house and associated improvements, the limited area for sewage disposal, the access location onto the public road and the environmental features. The RC (Rural Conservation) zoning district allows non-cluster and cluster subdivisions. The applicant is proposing to subdivide the 7.77-acre parcel into two non-cluster lots. An attempt to adhere to this regulation by placing the environmental features on a separate open space lot and subdivide using the non-cluster requirements is not possible because it would reduce the non-cluster lots below the required 3-acre minimum lot size. Alternatively, the environmental features could be contained within a nonbuildable preservation parcel created under the cluster subdivision regulations. The base density for cluster subdivisions is one cluster lot per 4.25 gross acres. Since this parcel is less than 8.5 acres, the property could not subdivide into cluster lots unless density is imported. Strict conformance with the requirements will deprive the applicant the right to subdivide their property into one additional lot, which are rights commonly enjoyed by others in similar areas where property has development potential.

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 property contains two perennial streams, floodplain, wetlands and steep slopes. Public road access is limited to the frontage along Forsythe Road and the locations of the sewage disposal areas are restricted due to the results of soil percolation testing by the Health Department. The property also contains a house with associated

improvements which will be retained on Lot 1. These conditions limit the developable area of the property and strict adherence to the regulations would create a practical difficulty for the owner to develop the site with one additional single-family home.

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

Approval of this alternative compliance request will not confer to the applicant a special privilege that would be denied to other applicants. When the development of a site is restricted due to unique site conditions, alternative compliance requests have been approved to retain environmental features on lots less than 10-acres. The neighboring properties are also similarly encumbered with environmental features and are less than 10 acres in size.

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

There is no evidence that this request will be detrimental to the public health, safety or welfare, or injurious to other properties. No disturbance is proposed within the environmental features or associated buffers. The existing house on Lot 1 will remain and no grading or construction will occur on the lot. The proposed dwelling will be located more than 250' from the nearest stream buffer, wetland buffer or floodplain.

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

1. A 35' environmental setback shall be established from the boundary of steep slopes, floodplain, wetlands, streams, and their buffers. No principal structures may be permitted within the environmental setback, except that a deck may project ten feet beyond the building envelope.
2. No grading, removal of vegetative cover or trees, paving or new structures will be permitted within the limits of 100-year floodplain, steep slopes, wetlands, streams or their required buffers in accordance with Sections 16.115 and 16.116 of the Subdivision and Land Development Regulations.
3. Include the Alternative Compliance application file number WP-22-134, date of approval and conditions of approval on all related plan submissions.

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 Justin Schleicher at (410) 313-2350 or email at jschleicher@howardcountymd.gov.

Sincerely,

DocuSigned by:


Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JS

cc: Research
DLD - Julia Sauer
Real Estate Services
Sill Engineering
DED - Paul DiMarco



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

(410) 313-2350

DPZ Office Use only:
File No.
Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Residential Subdivision

Subdivision Name/Property Identification: Machado Property - Lots 1 & 2

Location of property: 13325 Forsythe Road, Sykesville MD 21784

Existing Use: Residential

Proposed Use: Residential

Tax Map: 4

Grid: 21

Parcel No: 65

Election District: 3rd

Zoning District: RC-DEO

Total site area: 7.77 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-21-041 (Approved), F-22-037

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)	We request an alternative compliance to Section 16.120(b)(4) allowing environmental features on lots greater than 3.00 acres. We have provided justification in an Alternative Compliance letter to the Division of Land Development.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Isabel Machado* **Date:** *May-6-2022*
Signature of Petitioner Preparer: *Taylor Bielski* **Date:** *May-6-2022*

Name of Property Owner: Isabel Machado **Name of Petition Preparer:** Sill Engineering Group, LLC
Address: 13325 Forsythe Road **Address:** 16005 Frederick Road
City, State, Zip: Sykesville, MD 21784 **City, State, Zip:** Woodbine, MD 21797
E-Mail: isabel_machado@hcpss.org **E-Mail:** taylor@sillengineering.com
Phone No.: 443-812-5981 **Phone No.:** 443-325-5076
Contact Person: Isabel Machado **Contact Person:** Taylor Bielski

Owner's Authorization Attached