



# 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

December 21, 2022

Attn: Art Warshaw  
Court Hill, LLC.  
5881 Stearman Ct.  
Elkridge, MD 21075  
Via Email: [artwarshaw@gmail.com](mailto:artwarshaw@gmail.com)

RE: WP-23-018 The Towns at Court Hill

Dear Mr. Warshaw:

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 December 15, 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 **denied** your request for alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations to impact steep slopes with a contiguous onsite area of 42,307 sq. ft. and a contiguous offsite area of 154,789+ sq. ft for 8 single-family attached dwellings. Please see the attached Final Decision Action Report for more information.

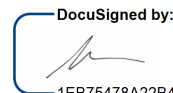
On December 15, 2022, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning considered and took **no action** on your request for alternative compliance with respect to **Section 16.120(c)(4)** of the Subdivision and Land Development Regulations to allow single-family attached dwellings access through a private road.

The Department of Planning and Zoning finds that strict enforcement of Section 16.120(c)(4) may not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

The need for relief of this Section of Howard County Code is based on the proposed layout as submitted. The current proposal has significant impacts to environmental features onsite and Howard County staff has requested alternatives to determine if impacts can be reduced for this proposed development. The applicant has not provided alternatives for evaluation and the requested alternative compliance to Section 16.116(b)(1) has been denied. Absent approval to impact the environmental features onsite, this plan is not approvable, and no action is warranted relief of Section 16.120(c)(4) of Code.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:  


Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Vogel + Timmons



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

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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-23-018 The Towns at Court Hill**  
*Request for an alternative compliance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations.*

**Applicant:** Art Warshaw  
Court Hill, LLC.  
5881 Stearman Ct.  
Elkridge, MD 21075  
Email: [artwarshaw@gmail.com](mailto:artwarshaw@gmail.com)

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 **denied** the applicants request for an alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations. The purpose is to impact steep slopes with a contiguous onsite area of 42,307 sq. ft. and a contiguous offsite area of 154,789+ sq. ft. for 8 single-family attached dwellings. The Directors deliberated the application in a meeting on December 15, 2022.

Each Department hereby determines that strict enforcement of Section 16.116(b)(1) would not result in a practical difficulty or unreasonable hardship. The following factors were considered in making this determination:

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

The applicant has not adequately satisfied the justification. The applicant is requesting to develop the balance of the site which currently contains two apartment buildings. The remaining area of the site proposed for development is encumbered with environmental features and is located within the Tiber Branch Watershed.

The applicant has based the justification for the proposed impacts on initial grading done in conjunction the 1966 Site Development Plan (SDP-66-011). The site initially intended to construct additional units in this portion of the site. Those units were not pursued and since the original plan approval there have been significant updates in the regulations to reduce impacts to sensitive area, especially within the Tiber Branch Watershed. The applicant has decreased the density of proposed development from the original site development plan (SDP-66-011), but the proposal continues to impact the regulated environmental features. The applicant has also based a portion of the justification on the existing slopes being 'man-made' and graded in accordance with the earlier approved plan. The current regulations do not make a distinction between man-made or naturally evolving steep slope conditions. A significant amount of time has lapsed between the initial grading and current conditions and the site has naturally regenerating to become a significant vegetative environment. DPZ suggested pursuing alternate layouts and locations that would reduce or possibly eliminate any impact into the environmental features onsite, however, there

have been no alternative layout submissions that demonstrate that strict conformance with the requirements would deprive the applicant of rights commonly enjoyed by others in similar areas.

**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;**

Limited development potential exists on this portion of the site due to extensive steep slopes on the property. The property contains approx. 823' of frontage along Court House Drive and there is approx. 50' of fall along the frontage from west to east. The existing ground elevations fall approx. 70' across the property. The site currently contains 2 apartment buildings, constructed under the approved SDP-66-011 plan which contain 22 units.

Although the site may be unique in terms of topography and dimensions, there are currently 22 units present, which provide reasonable economic use of the property. The proposal is to construct additional units on site and, in order to do so, would impact the regulated steep slopes within the environmentally sensitive area of the Tiber Branch watershed.

The applicant did provide a concept drawing depicting the extension of a private road into this portion of the site. The Directors reviewed that drawing in their deliberations but did not find it satisfactory in proving the impacts warranted. They discussed the lack of building concepts, beyond the proposed 8 single family attached units, explored for the site and were not convinced that a development which respected the existing steep slopes on site was not feasible.

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

Similar alternative compliance requests to impact steep slopes have only been approved in situations where the petitioner has demonstrated that in order to reasonably use the property, no other alternative exists and only the minimal impacts will occur as a result of granting the modification. There are currently no alternative layouts submitted to demonstrate other possible scenarios of development onsite and the property contains an apartment use.

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

There is no conclusive evidence that the current condition nor the proposed condition will be detrimental to the public health, safety or welfare, or injurious to other properties. In order to best protect the public health, safety, welfare, and/or to avoid injury to other properties, waivers are prohibited in the Tiber Branch Watershed unless one of six specific conditions are proposed. To allow consideration of this waiver, the applicant proposes flood control improvements which intend to result in an additional ten percent stormwater management reduction beyond that required by current law and requirements. However, given the devastating flooding that has occurred in this area of the watershed and risk to life and property, the County cannot be certain that granting of this waiver will not result in injury to property or detrimental safety conditions.

**5. Disturbance is returned to its natural condition to the greatest extent possible:**

The applicant is not proposing to return the impacted steep slopes back to their natural condition with the development of this site. The steep slopes proposed to be impacted are within the single-family attached dwelling lots. Howard County regulations do not allow for lots this size to be encumbered with steep slopes, so they will be removed from site.

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

Applicant has proposed Sediment and Erosion Control measures as required by Howard County regulations. However, these are requirements for all development within Howard County, regardless of additional impact to environmental features.

- 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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.**
- Alternative layouts provided by the applicant do not demonstrate that a less impactful design cannot be accommodated on this site.

DocuSigned by:

*Amy Gowan*

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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:

*Art Shapiro*

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Art Shapiro, Acting Director  
Department of Public Works

DocuSigned by:

*Joshua Feldmark*

3241B974513F4B7...

Joshua Feldmark, Administrator  
Office of Community Sustainability

cc: Research  
OCS, Joshua Feldmark  
DPW, Art Shapiro



# 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 14, 2022

Attn: Art Warshaw  
Court Hill, LLC.  
5881 Streaman Ct.  
Elkridge, MD 21075  
Sent via email: [artwarshaw@gmail.com](mailto:artwarshaw@gmail.com)

RE: WP-23-018 Towns at Court Hill

Dear Mr. Warshaw:

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.

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 for distribution in the following manner:

Agency:	DLD	#Copies:	1
Agency:	OCS	#Copies:	0
Agency:	DPW	#Copies:	0
Agency:	HCS	#Copies:	0

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before October 29, 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.**

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped 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. Submission materials can also be emailed to [planning@howardcountymd.gov](mailto:planning@howardcountymd.gov) for processing.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/kb

Attachments:

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Vogel + Timmons





**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
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## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** The Towns at Court Hill

**Subdivision Name/Property Identification:** The Towns at Court Hill

**Location of property:** 3614 Court House Drive

**Existing Use:** Residential      **Proposed Use:** Residential

**Tax Map:** 25      **Grid:** 7      **Parcel No:** 43      **Election District:** 2nd

**Zoning District:** R-A-15      **Total site area:** 3.42 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-16-029  
 S-17-007  
 WP-16-067  
 WP-18-012  
 P-22-002

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
16.120(c)(4)	Minimum Frontages
16.116 (b) (1)	Steep Slopes



Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Arthur W. Warshaw* Date: 8/12/22

Signature of Petitioner Preparer: *Robert H. Vogel* Date: 8/14/22

Name of Property Owner: Court Hill LLC Name of Petition Preparer: Vogel Engineering + Timmons Group

Address: 5881 Stearman Court Address: 3300 North Ridge Road., Suite 110

City, State, Zip: Elkridge, MD 21075 City, State, Zip: Ellicott City, Maryland 21043

E-Mail: artwarshaw@gmail.com E-Mail: Rob.Vogel@timmons.com

Phone No.: 443-255-1976 Phone No.: 410-461-7666

Contact Person: Art Warshaw Contact Person: Robert H. Vogel

Owner's Authorization Attached