



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

July 25, 2023

Mr. Brian F. Cleary  
Howard County Government  
SWM Division  
9801 Broken Land Parkway  
Columbia, MD 21046

Dear Mr. Cleary:

RE: WP-23-019, Stonehouse Drive Outfall Stabilization Project

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 13, 2023, 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove 1 specimen tree (dead green ash tree). Please see the attached Final Decision Action Report for more information.

On July 10, 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 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to allow the Alternative Compliance Exhibit to serve as the Site Development Plan.

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

**Justification for Recommendation:** Division of Land Development recommends **APPROVAL** of alternative compliance to **Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations and find that strict enforcement of the above-cited regulations would result in an unreasonable hardship or practical. Pursuant to Section 16.104, this determination was made considering the following:

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

The Department of Public Works is managing Capital Project D-1158 to repair an eroding area located downstream of an existing outfall. Strict compliance with the regulations would require the applicant to submit a formal site development plan for the project. Strict compliance with the regulations would lengthen the schedule and take away valuable funds from the implementation of the project. Approval of the alternative compliance promotes

efficiency of the plan review process. The alternative compliance plan exhibit contains all necessary information for permitting and construction.


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

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the limit of disturbance as shown on the alternative compliance plan exhibits.
2. The alternative compliance plan exhibit must be included in the plan set for F-97-030 and F-14-124.
3. The removal of the one specimen tree is permitted and require the planting of two (2) native shade trees onsite per Section 16.1216(d) of the forest conservation regulations. The trees shall be a minimum of 3" DBH.

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 Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,

DocuSigned by:  
  
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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/bl

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Anne Gilbert - DNR [anne.gilbert@maryland.gov](mailto:anne.gilbert@maryland.gov)  
Andy McLean, McCormick Taylor



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

Lynda D. Eisenberg, AICP, 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-23-019, Stonehouse Drive Outfall Stabilization Project**  
*Request for a variance to Section 16.1205(a)(3) of the Howard County Code.*

**Applicant:** **Howard County SWM Division**

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 to remove 1 specimen tree (32" dead Green Ash tree). The Directors deliberated the application in a meeting on July 13, 2023.

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 seven (7) 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 is a 65-foot existing 18" storm drainpipe located on a County open space, between two residential townhouses, that has caused significant erosion for approximately 220 linear feet downstream of the outfall. The Department of Public Works is managing a Capital Project, D-1158, to extent the storm drainpipe 220 feet and stabilize previously eroded area, which will require the removal of one dead 32" specimen tree (Green Ash). The specimen tree is located adjacent to the proposed outfall and construction of the outfall restoration will impact over 50% of its critical root zone. The applicant has shifted the limit of disturbance and intentionally curved the proposed storm drainpipe so that a 38" specimen tree will be saved.

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

Strict enforcement of the regulations would prohibit the applicant from being able to remove one specimen tree. The removal of the one tree is needed to repair the eroding soil which will stabilize this area and reduce the sediment and nutrients into the waterways in order to protect the private property. The owners ability to utilize their property for reasonable purposes and in a safe manner are rights 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 project will stabilize the soil erosion that is contributing sediment and nutrients into the County's waterways and will improve water

quality by eliminating a source of excess sediment and nutrients. The slopes will be planted thus stabilizing the soil and reducing erosion and sediment transport downstream. These plantings will provide natural filtration of pollutants from sheetflow runoff.

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

Approval of the request will not confer on the applicant a special privilege that would be denied to other applicants. The project is designed to stabilize the soil erosion and reduce the sediment and nutrients into the County's waterways and to stabilize private property from continued erosion.

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

This variance is not requested based on conditions or circumstances which are the result of actions by the applicant. The conditions are based on the documented need to repair and stabilize areas of severe erosion in the Patapsco River Watershed.

**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 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 application provided a Specimen Tree Assessment which includes photos of the one specimen tree to be removed.

**Directors Action:** Approval of alternative compliance of Section 16.1205(a)(1)(3) is subject to the following condition:

- 1. The removal of the one specimen tree is permitted and requires the planting of two (2) native shade trees onsite per Section 16.1216(d) of the forest conservation regulations. The trees shall be a minimum of 3" DBH.

DocuSigned by:

*Lynda Eisenberg*

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Linda D. Eisenberg, AICP, Director  
Department of Planning and Zoning

DocuSigned by:

*Bryan Moody*

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Bryan Moody, Acting Director  
Department of Recreation and Parks

DocuSigned by:

*Timothy Lattimer*

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Tim Lattimer, Administrator  
Office of Community Sustainability

cc: Research, OCS, DRP



**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:**

**Subdivision Name/Property Identification:**

**Location of property:**

**Existing Use:**

**Proposed Use:**

**Tax Map:**

**Grid:**

**Parcel No:**

**Election District:**

**Zoning District:**

**Total site area:**

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:

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 Reference No.	Brief Summary of Request

**Signature of Property Owner:**

**Date:**

**Signature of Petitioner Preparer:**

**Date:**

**Name of Property Owner:**

**Name of Petition Preparer:**

**Address:**

**Address:**

**City, State, Zip:**

**City, State, Zip:**

**E-Mail:**

**E-Mail:**

**Phone No.:**

**Phone No.:**

**Contact Person:**

**Contact Person:**

**Owner's Authorization Attached**