



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

February 7, 2024

Robert Haney
MBW Properties, LLC.
15036 Scottswood Court
Woodbine, MD 21797

RE: WP-23-077, MBW Properties, LLC (Performance Barn)

Dear Mr. Haney:

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 February 7, 2024 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)(ii)** of the Subdivision and Land Development Regulations to use the alternative compliance process as a substitute to the site development plan process to establish an indoor commercial athletic training facility in an existing barn structure on the property.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(ii) 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 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 for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for establishing and permitting the athletic facility use on this property. Approval of the alternative compliance promotes efficiency of the plan review process.

The applicant has converted an existing barn on the subject property into an athletic training facility. A conditional use for the athletic facility was granted on October 27, 2021, along with the setback variances. The conditional use Decision and Order in BA-20-12C permits the existing athletic facility use for the portion of the property delineated on the exhibit submitted for that case which includes the existing barn and the site already has an extensive gravel driveway that will be utilized for parking and drive aisle access. There are no new buildings or external improvements proposed on this site, excluding the planting of trees and installation of fencing. While the conditional use plan included the construction of a smaller gym building to the south of the existing facility, this improvement is not being pursued with this alternative compliance request and will not be permitted for construction on site without a new site development plan.

As part of the alternative compliance review, it was determined that forest conservation must be addressed for the portion of the property establishing the new use. As such, the forest conservation obligation was calculated based on the 1.76 acres identified for the athletic facility which resulted in a 0.30 acre afforestation obligation. A plat of forest conservation easement will be recorded for 0.30 acres of afforestation on Parcel 107.

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

1. This 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 exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. Revise the alternative compliance plan exhibit per the attached comments from the Division of Land Development. Electronic copies of the alternative compliance plan exhibit shall be submitted to the Department of Planning Zoning for signatures within 60 days of the date of this letter (on or before April 7, 2024).
3. A forest stand delineation shall be submitted with the exhibit originals and signed by a certified arborist, licensed landscape architect, or licensed forester.
4. A forest conservation easement shall be established on Parcel 107. A Plat of Forest Conservation Easement shall be submitted for recordation in Howard County Land Records prior to the submission of the alternative compliance exhibit for signature. The exhibit shall not be signed until such time the plat is recorded and the recordation reference is added to the exhibit.
5. A Developer's Agreement is required for Compliance with the State Highway Administration comment – The applicant must internally preclude commercial (non-residential) traffic from using the eastern entrance. The eastern entrance must only be used for the house that remains on the eastern end of the property (Parcel 160).
6. The applicant shall comply with all applicable County and State regulations, including the Americans with Disabilities Act (ADA), and obtain all necessary permits from the Department of Inspections, Licenses and Permits.

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 Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Real Estate Services
Fisher, Collins and Carter

WP-23-077, MBW Properties (Performance Barn)
Alternative Compliance to 16.155(a)(1)
DLD Comments

1. Revise “Existing” Athletic Field” back to “Existing Grass Field” as BA-20-012C requires all activities for the use to occur inside.
2. Add the lighting exhibit to the final plan set.
3. A forest stand delineation shall be submitted with the exhibit originals and signed by a certified arborist, licensed landscape architect, or licensed forester.

For questions on these comments, please contact Jill Manion at (410) 313-4338 or jmanion@howardcountymd.gov.



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

October 13, 2023

Robert Haney
15036 Scottswood Ct.
Woodbine, MD 21797
Sent via email to bhaney@countriespringswholesale.com

RE: WP-23-077 MBW Farms

Dear Mr. Haney:

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. The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before November 27, 2023***), 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.

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.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Fisher, Collins and Carter, Inc.
Tamara Frank



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Mary Kendall, Acting Director

FAX 410-313-3467

May 24, 2023

Robert Haney
15036 Scottswood Ct.
Woodbine, MD 21797
Sent via email to bhaney@countriespringswholesale.com

RE: WP-23-077 MBW Farms

Dear Mr. Haney:

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. The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before July 8, 2023***), 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.

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If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Fisher, Collins and Carter, Inc.
Tamara Frank



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: 15856 Frederick Road

Subdivision Name/Property Identification: MBW Farms

Location of property: 15856 Frederick Road, Woodbine, MD 21797

Existing Use: AGRICULTURE **Proposed Use:** ATHLETIC FACILITY, COMMERCIAL

Tax Map: 7 **Grid:** **Parcel No:** 104, 150 & 160 **Election District:** FOURTH

Zoning District: RC-DEO **Total site area:** 4.5 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:

BA-20-012C

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)(1)(ii)	Sec. 16.155. - Applicability. (a)A site development plan, approved by the Department of Planning and Zoning, is required for:(1) Nonresidential:(ii)Any establishment of a use or change in use, unless the Department of Planning and Zoning determines that the establishment or change in use will cause less than 5,000 square feet of site disturbance, that no significant alteration to access, parking, circulation, drainage, landscaping, structures, or other site features is required, and that the proposed use does not qualify as redevelopment that requires stormwater management in accordance with the design manual.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *RTH* **Date:** 2/13/2023

Signature of Petitioner Preparer: *Frank Manalansan II* **Date:** 2/13/2023

Name of Property Owner: Robert Haney **Name of Petition Preparer:** Fisher, Collins & Carter, Inc.

Address: 15036 Scottswood Court **Address:** 10272 Baltimore National Pike

City, State, Zip: Woodbine, MD 21797 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: bhaney@countryspringswholesale.com **E-Mail:** pdox@fcc-eng.com

Phone No.: 410-531-6608 **Phone No.:** 410-461-2855

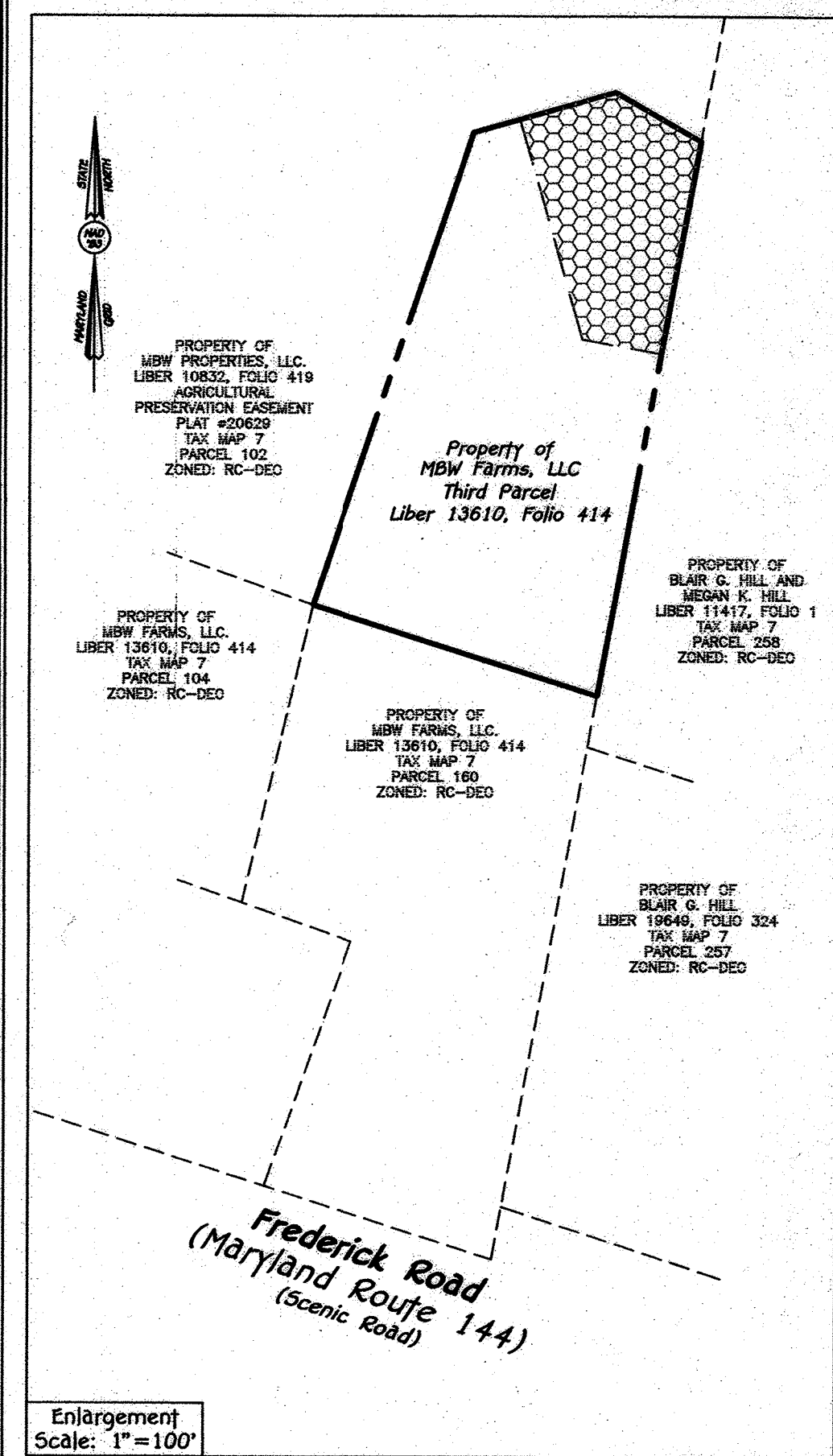
Contact Person: Bob Haney **Contact Person:** Frank Manalansan II

Owner's Authorization Attached

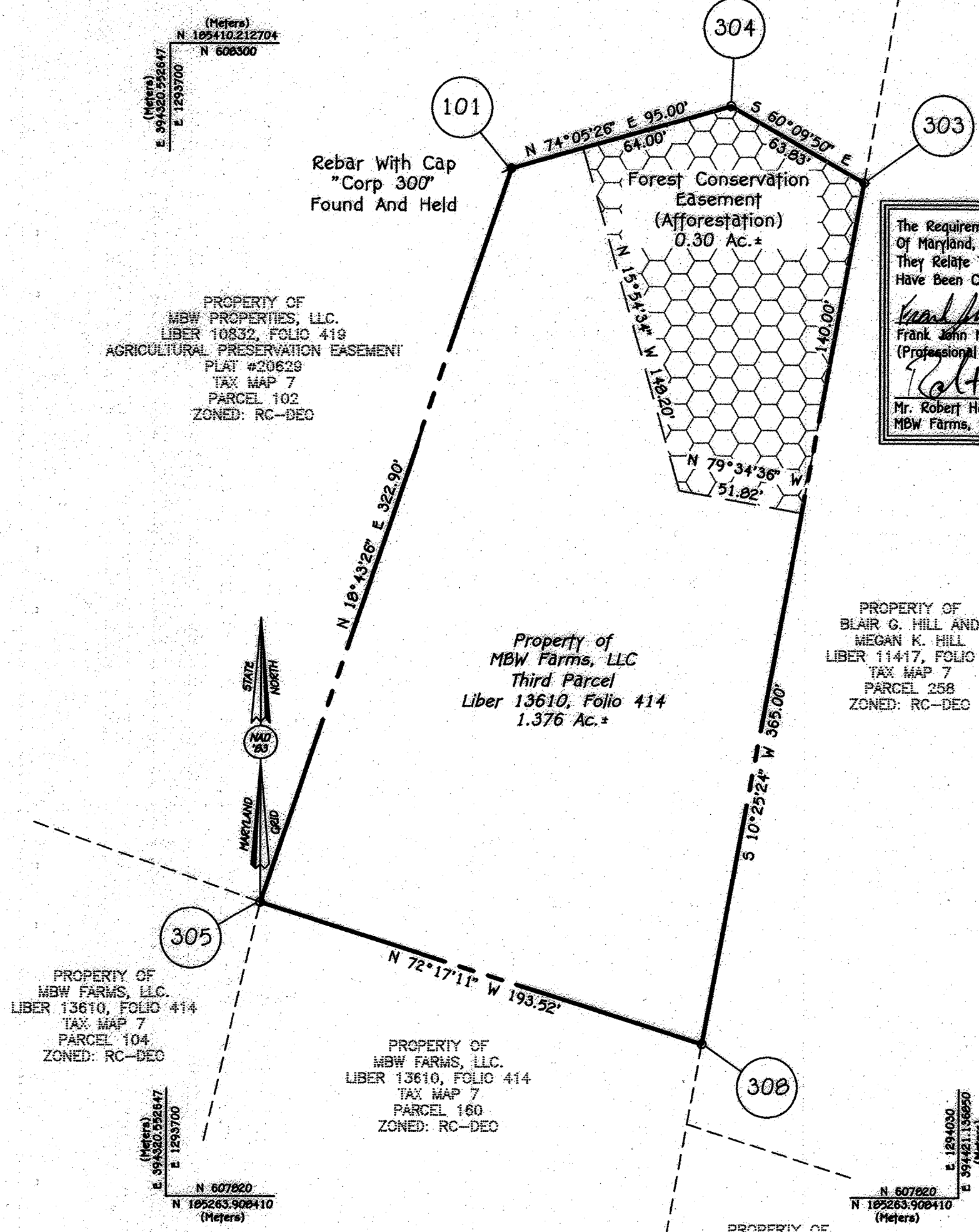
U.S. Equivalent Coordinate Table			Metric Coordinate Table		
Point	Northing (Feet)	Easting (Feet)	Point	Northing (Meters)	Easting (Meters)
101	608248.1800	1293842.4220	101	185394.417936	394363.962960
303	608242.4639	1293989.1535	303	185392.675666	394408.686811
304	608274.2211	1293933.7832	304	185402.355280	394391.809910
305	607942.3691	1293738.7684	305	185301.204723	394332.369279
308	607883.4873	1293923.1173	308	185283.259378	394388.558937

Legend

 Forest Conservation Easement (0.30 Acres Afforestation)



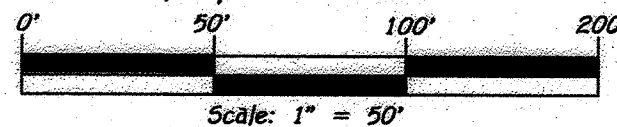
Enlargement Scale: 1"=100'



Owner/Developer

Mr. Robert Haney, Member
MBW Farms, LLC
15036 Scottswood Court
Woodbine, Maryland 21797
Phone: 410-531-6608

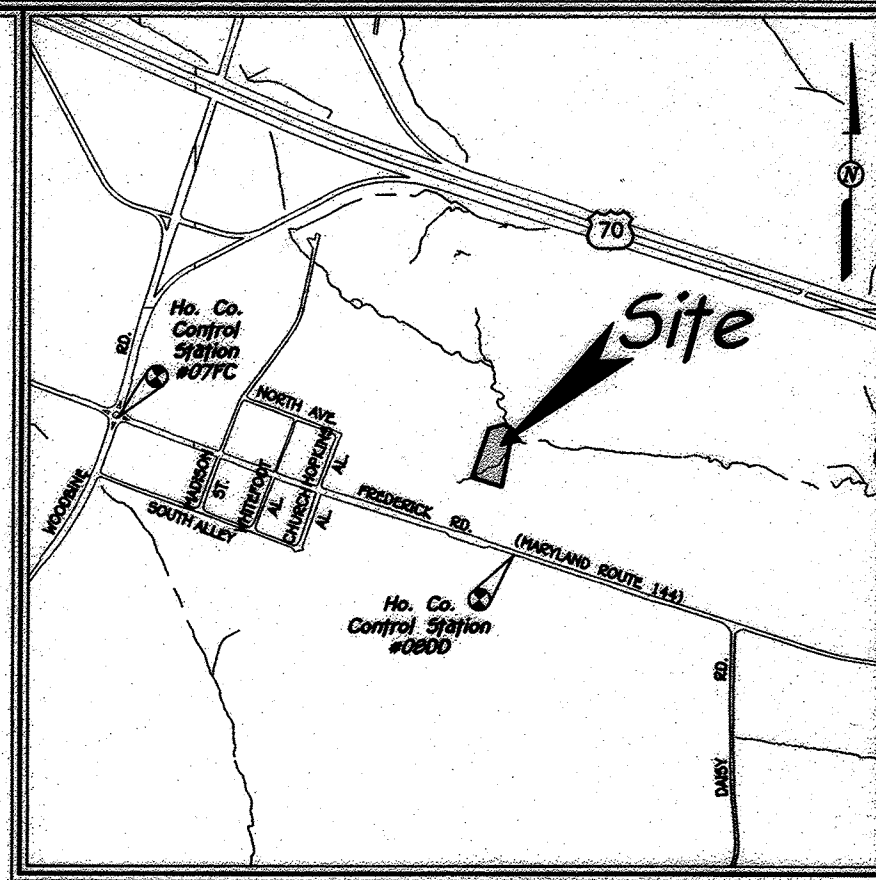
Graphic Scale



The Requirements §§-108, The Real Property Article, Annotated Code Of Maryland, 1986 Replacement Volume, (As Supplemented) As Far As They Relate To The Making Of This Plat And The Setting Of Markers Have Been Complied With.

Frank John Manalansan II 3/5/24
Date
Frank John Manalansan, II #21476
(Professional Land Surveyor)

Robert Haney 3/5/24
Date
Mr. Robert Haney, Member
MBW Farms, LLC



Vicinity Map

Scale: 1" = 1,200'
Howard County ADC Map
Map 9, Grid B-6

General Notes:

- The Subject Property Is Zoned RC-DEO Per The 10/06/2013 Comprehensive Zoning Plan.
- Coordinates Shown Are Based On NAD '83 Maryland Coordinate System As Projected By Howard County Geodetic Control Stations No.s 077C and 080D:
Sta. 077C N 608,315.535 E 1,291,525.340 Elevation 591.373
Sta. 080D N 607,452.050 E 1,293,998.160 Elevation 570.665
- This Plat Is Based On A Field Run Boundary Survey Performed On Or About October, 2017 By Fisher, Collins and Carter, Inc.
- Denotes Iron Pin Set Capped "F.C.C. 106"
- Denotes Iron Pin Or Iron Bar Found
- Denotes Angular Change In Bearing Of Boundary Or Right-Of-Way
- Denotes Concrete Monument Set With Aluminum Plate "F.C.C. 106"
- Denotes Concrete Monument Or Stone Found
- B.R.L. Denotes Building Restriction Line.
- All Areas Are More Or Less (*)
- Distances Shown Are Based On Surface Measurement And Not Reduced To NAD '83 Grid Measurement.
- Property Subject To Prior Department Of Planning And Zoning WP-23-077.
- No Cemeteries Exist On The Subject Property Based On Visual Observation Or Listed In Available Howard County Cemetery Inventory Map.
- There Are No Residential Dwellings And Residential Accessory Structure(s) Located On Parcel 107 To Remain.
- This Project Complies With The Requirements Of Section 16.1200 Of The Howard County Code For Forest Conservation.
- The Forest Conservation Easement Containing 0.30 Acres (Afforestation) Has Been Established To Fulfill The Requirements Of WP-23-077 With Respect To Section 16.1200 Of The Howard County Forest Conservation Act. No Clearing, Grading Or Construction Is Permitted Within The Forest Conservation Easement, However, Forest Management Practices As Defined In The Deed Of Forest Conservation Are Allowed. A Surety In The Amount Of \$6,534.00, Based On 0.30 Acres x 43,560 Sq. Ft./ Acre x 0.5D/ Sq. Ft. Is Provided With The Developers Agreement.
- A Forest Stand Delineation Letter Of Findings Dated August 25, 2023 Was Prepared By Forenicon (Forensic Environmental Consultants).
- Plat Subject To WP-23-077 Which On February 7, 2024 The Department Of Planning And Zoning Approved The Request To Waive Section 16.155(a)(1)(ii) Of The Subdivision And Land Development Regulations To Use The Alternative Compliance Process As A Substitute To The Site Development Plan Process. Approved Subject To The Following Conditions:
A. This 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 Exhibit Unless It Can Be Sufficiently Demonstrated By The Applicant To Be Justified.
B. A Forest Stand Delineation Shall Be Submitted With The Exhibit Originals And Signed By a Certified Arborist, Licensed Landscape Architect Or Licensed Forester.
C. A Forest Conservation Easement Shall Be Established On Parcel 107. A Plat Of Forest Conservation Easement Shall Be Submitted For Recordation In Howard County Land Records Prior To The Submission Of The Alternative Compliance Exhibit For Signature. The Exhibit Shall Not Be Signed Until Such Time The Plat Is Recorded And The Recordation Reference Is Added To The Exhibit.
D. A Developer's Agreement Is Required For Compliance With The State Highway Administration Comment - The Applicant Must Internally Preclude Commercial (Non-Residential) Traffic From Using The Eastern Entrance. The Eastern Entrance Must Only Be Used For The House That Remains On The Eastern End Of The Property (Parcel 160).

Reservation Of Forest Conservation Easements

"Developer Reserves Unto Itself, Its Successors And Assigns, All Easements Shown On This Plan For Forest Conservation (Designated As "Forest Conservation Easement"), Located In, On, Over, And Through Part Of The Third Parcel (Property Of MBW Farms, LLC) Any Conveyances Of The Aforesaid Property Shall Be Subject To The Easements Herein Reserved, Whether Or Not Expressly Stated In The Deed(s) Conveying Said Property. Developer Shall Execute And Deliver Deeds For The Easements Herein Reserved To Howard County, With A Metes And Bounds Description Of The Forest Conservation Area. In The Case Of The Forest Conservation Easement(s), Upon Completion Of The Developer's Obligations Under The Forest Conservation Installation And Maintenance Agreement Executed By Developer And The County, And The Release Of Developer's Surety Posted With Said Agreement, The County Shall Accept The Easements And Record The Deed Of Easement In The Land Records Of Howard County.

Owner's Certificate

MBW Farms, LLC, By Robert Haney, Member, Owner Of The Property Shown And Described Hereon, Hereby Adopts This Plan In Consideration Of The Approval Of This Plat Of Forest Conservation Easement By The Department Of Planning And Zoning, To Establish A Forest Conservation. Witness My Hand This 5th Day Of March, 2024.

Surveyor's Certificate

I Hereby Certify That The Final Easement Plat Shown Hereon Is Correct; That It Was Prepared By Me Or Under My Responsible Charge And That I Am A Duly Licensed Professional Land Surveyor Under The Laws Of The State Of Maryland; That It Defines A Forest Conservation Easement On Part Of The Land Conveyed By F. Grant Hill By His Attorney-In-Fact, Blair G. Hill To MBW Farms, LLC By Deed Dated November 15, 2011 And Recorded Among The Land Records Of Howard County, Maryland In Liber 13610, Folio 414 (Also Being The Third Parcel Of Said Deed), And That All Monuments Are In Place In Accordance With The Annotated Code Of Maryland, As Amended.

Purpose Statement

The Purpose Of This Plat Is To Establish A Forest Conservation Easement On A Portion Of The Third Parcel Of Liber 13610 At Folio 414, To Satisfy The Forest Obligation In WP-23-077.

RECORDED AS PLAT No. 216639 ON 5-24-2024
AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND.

**Plat Of
Forest Conservation
Easement
Property Of
MBW Farms, LLC**

Zoned: RC-DEO
Tax Map: 7, Grid: 12, Parcel: 107
Fourth Election District - Howard County, Maryland
Date: February 28, 2024
Scale: As Shown Sheet 1 Of 1

Fisher, Collins & Carter, Inc.
Civil Engineering Consultants & Land Surveyors
Centennial Square Office Park-10272 Baltimore National Pike
Ellicott City, Maryland 21042
(410) 461-2855

APPROVED: Howard County Department Of Planning And Zoning.

Director
Date: 5/6/24

Robert Haney
By: Mr. Robert Haney, Member
MBW Farms, LLC

Jennifer Wellen
Witness

Frank John Manalansan II 3/5/24
Date
Frank John Manalansan, II
Professional Land Surveyor No. 21476
Expiration Date: July 14, 2025