



# 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 10, 2023

Chetan Mehta  
5192 Talbots Landing  
Ellicott City, MD 21043

RE: WP-23-079, Mehta Property (7170 Montgomery Road)

Dear Mr. Mehta:

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 May 4, 2023, 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 **approved** your request for alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations to disturb up to 4,963 SF of steep slopes. Please see the attached Final Decision Action Report for more information.

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

1. Disturbance is to be limited to what is shown on Exhibit B and 2,409 SF.
2. All comments provided with ECP-23-019 must be addressed.
3. Submission and approval of a site development plan with the improvements shown on Exhibit B is required prior to the issuance of a grading permit.
4. All grading activity must avoid the area along the western boundary adjacent to the grave sites on the adjoining properties unless ground-penetrating radar is conducted. The LOD as shown on Exhibit B will not require ground-penetrating radar.

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](mailto: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  
Paul Cavanaugh, Fisher, Collins and Carter



**ALTERNATIVE COMPLIANCE  
FINAL DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF PUBLIC WORKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE: WP-23-079, Mehta Property (7170 Montgomery Road)**

*Request for a variance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations.*

**Applicant:** Chetan Mehta  
5192 Talbots Landing  
Ellicott City, MD 21043

Pursuant to Section 16.1216, 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 **approved** the applicants request for a variance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations. The purpose is to disturb up to 4,963 SF of steep slopes for the construction of a single-family home. The Directors deliberated the application in a meeting on May 4, 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 unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Sections 16.104(d) and 16.116(d):

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

The property is zoned R-A-15, is less than one acre in size and is encumbered with moderate and steep slopes on most of the site. Most of the regulated steep slopes are located on the rear two-thirds of the site, but a small area of steep slopes also exists on the front of the site on the northeast portion of the property. The applicant proposes a single-family home to include an accessory use as a group home for the elderly as permitted in the R-A-15 Zoning District. As such, it is being designed as a one-story ranch style home with a slightly larger footprint than a two-story home may have. Construction of any structure on the site would likely have limited disturbance to steep slopes to allow for the tying in of grades, establishment of level surface around the structure, and establishing access and stormwater management.

Three alternatives were analyzed as part of this request. The original exhibit submitted with the application (Exhibit A) proposed a structure that extended further into the site and impacted more of the steep slopes due

to its orientation to the public road, with 4,963 SF of disturbance to steep slopes. To minimize disturbance to the steep slopes on the site, DPZ requested an alternative exhibit showing the structure's long side parallel to the public right of way. The applicant submitted two alternative exhibits. Exhibit B shows the home as requested and located flush with the 30' BRL, which minimizes the disturbance to 25%+ steep slopes to 2,409 SF. Exhibit C shows the long side of the home parallel to the road but set back approximately 15 additional feet from the right-of-way and 4,029 SF of disturbance to the regulated steep slopes.

**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;**

As stated above, the property is less than one acre in size and is encumbered with moderate and steep slopes on most of the site making reasonable development for one single family detached home challenging. Of the three alternatives submitted for review, the option with the least amount of disturbance, Exhibit B is approved in the conditions of approval.

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

There is no existing structure to the property. Reasonable use of the site while meeting land development and other county regulations would be difficult without impacting some amount of steep slopes on the site. Developing the existing lot with one single family detached home would not be considered a special privilege.

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

Grading is limited within the property boundaries and sediment and erosion control practices will be utilized during construction. Graded areas will be stabilized once construction is complete. Two-thirds of the site will remain wooded and the majority of steep slopes on the property will remain undisturbed.

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

The area of disturbance will be permanently regraded. A retaining wall will be erected to provide a useable lawn area which also limits initial and future disturbance to the remainder of the steep slopes and vegetation on the rear two-thirds of the site.

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

The retaining wall will provide a physical barrier between the developed and natural area of the site, while protecting the integrity of the steep slopes. The development will be reviewed to meet the 2010 stormwater management regulations which address both stormwater volume and ensuring water quality during groundwater recharge.

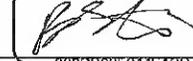
**7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining 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.**

Three alternatives were analyzed as part of this request. The original exhibit submitted with the application (Exhibit A) proposed a structure that extended further into the site and impacted more of the steep slopes due to its orientation to the public road, with 4,963 SF of disturbance to steep slopes. To minimize disturbance to the steep slopes on the site, DPZ requested an alternative exhibit showing the structure's long side parallel to the public right of way. The applicant submitted two alternative exhibits. Exhibit B minimized the disturbance to 25%+ steep slopes to 2,409 SF which is the least amount of disturbance while still providing for reasonable development.

**Directors Action:** Approval of alternative compliance of Section 16.116(b)(1) is subject to the following conditions:

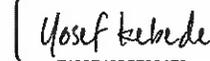
1. Disturbance is to be limited to what is shown on Exhibit B and 2,409 SF.
2. All comments provided with ECP-23-019 must be addressed.
3. Submission and approval of a site development plan with the improvements shown on Exhibit B is required prior to the issuance of a grading permit.
4. All grading activity must avoid the area along the western boundary adjacent to the grave sites on the adjoining properties unless ground-penetrating radar is conducted. The LOD as shown on Exhibit B will not require ground-penetrating radar.

DocuSigned by:



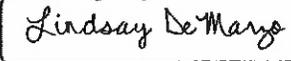
Brian Shepter, Acting Director  
Department of Planning and Zoning

DocuSigned by:



Yosef Kebede, Director  
Department of Public Works

DocuSigned by:



Lindsay DeMarzo, Acting Administrator  
Office of Community Sustainability

cc: Research  
OCS, Lindsay DeMarzo  
DPW, Yosef Kebede



**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 7170 MONTGOMERY ROAD

**Subdivision Name/Property Identification:** MEHTA PROPERTY

**Location of property:** 7170 MONTGOMERY ROAD

**Existing Use:** RESIDENTIAL      **Proposed Use:** RESIDENTIAL

**Tax Map:** 38      **Grid:** 2      **Parcel No:** 700      **Election District:** FIRST

**Zoning District:** R-A-15      **Total site area:** 0.92 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-22-012, SDP-22-024, ECP-23-019

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 16.116(b)(1)	Sec. 16.116. - Protection of wetlands, streams, and steep slopes. (b) Steep Slopes. Steep slopes are slopes that average 25 percent or greater over ten vertical feet. (1) Grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes, except when: (i) The on-site and off-site contiguous area of steep slopes is less than 20,000 square feet; and (ii) There is sufficient area, a minimum ten feet, outside of stream and wetland buffers for required sediment and erosion control measures.
Section 16.120(b)(1)	Sec. 16.120 - Lot Layout (b) Lot Design (1) Size, width, depth, etc. The size, width, depth, shape, orientation, and yards of lots shall not be less than specified in the zoning regulations for the district within which the lots are located and shall be appropriate for the use contemplated, and available public utilities.

Section Reference No.	Brief Summary of Request

**Signature of Property Owner:** [Redacted] **Date:** [Redacted]

**Signature of Petitioner Preparer:** [Redacted] **Date:** [Redacted]

**Name of Property Owner:** CHETAN MEHTA **Name of Petition Preparer:** FISHER, COLLINS, AND CARTER, INC.

**Address:** 5192 TALBOTS LANDING **Address:** 10272 BALTIMORE NATIONAL PIKE

**City, State, Zip:** ELLICOTT CITY, MD 21043 **City, State, Zip:** ELLICOTT CITY, MD 21042

**E-Mail:** elkridgedevelopers@gmail.com **E-Mail:** PAULC@FCC.COM

**Phone No.:** 443-285-9563 **Phone No.:** 410-461-2855

**Contact Person:** CHETAN MEHTA **Contact Person:** PAUL G. CAVANAUGH, P.E.

Owner's Authorization Attached