



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

August 7, 2023

SSM Hospitality, LLC
8074 Baltimore National Pike
Ellicott City, MD 21043

RE: WP-23-104 Browns Begone

Dear Sir/Madam:

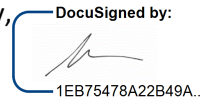
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On August 3, 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 two specimen trees for the construction of an age-restricted adult housing development. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related 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 Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely, DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services
Anne Gilbert - DNR anne.gilbert@maryland.gov
Mildenberg, Boender & Associates



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

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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-23-104 Browns Begone**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: SSM Hospitality, LLC
8074 Baltimore National Pike
Ellicott City, MD 21043
Ghanshyam Patel

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 two specimen trees for the construction of an age-restricted adult housing development. The Directors deliberated the application in a meeting on August 3, 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 six (6) 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.

The property is uniquely small (2.5 acres) compared to other 'POR' zoned parcels in the County. The property contains a 50' stream bank buffer along the western property boundary and is surrounded on three sides by Patapsco State Park (zoned 'R-20'), which restricts the developable area due to required setbacks from the adjacent single-family residential district. A wrap-around access road was requested by the Fire Department to allow for emergency vehicles to maneuver freely around the building. This constricts the building to the center of the site, which requires the removal of Specimen Tree #2. Specimen Tree #2 is a Northern Catalpa, which is not native to Maryland. Specimen Tree #3 is located at the proposed entrance from US Route 40, which has been determined to be the safest point of access by MD State Highway Administration and the Fire Marshall, since it provides the maximum sight distance and separation from the State Park turnaround on US Route 40. Multiple entrance scenarios were discussed with SHA and the Fire Marshall.

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 deprive the applicant from reasonably developing the property as an age-restricted housing development, which is a permitted use in the 'POR' zoning district. The parcel is uniquely small and is surrounded by 'R-20' zoned land which restricts the developable area of the site. Strict enforcement

of the regulations would further reduce the developable area and would deprive the applicant from reasonably developing the property.

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 site currently does not provide any stormwater management for the existing impervious surfaces. The proposed development will be subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

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

Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants since the removal of the specimen trees is necessary for the reasonable development of the property. The removal of the two specimen trees is necessary to provide safe access to the site and to allow emergency vehicles to maneuver freely around the building. Specimen Tree #2 is not native to Maryland.

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

The location of the two specimen trees within the reasonable access area of the site is not a circumstance resulting from actions by the applicant.

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.

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

1. The removal of Specimen Trees #2 and #3 is hereby permitted, as shown on the Alternative Compliance plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request. Disturbance to the critical root zone of the remaining specimen trees shall be limited to a maximum of 30%. Protective measures shall be utilized during construction to protect the critical root zones of Specimen Trees #1 and #4. Details shall be provided on the Site Development Plan.
2. The applicant shall mitigate the removal of the two specimen trees by planting a minimum of 4 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided on the Site Development Plan. The trees will be bonded with the Developer's Agreement along with the required landscaping. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive.
3. The specimen tree assessment describes existing vines encroaching onto Specimen Tree #1. The existing vines shall be removed by the applicant to protect the health of the tree. Notes and details for vine removal and long-term treatment shall be provided on the forest conservation and landscaping plan sheets of the Site Development Plan.

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, Director
Department of Planning and Zoning

DocuSigned by:

Nicholas Mooneyhan

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Nicholas Mooneyhan, Director
Department of Recreation and Parks

DocuSigned by:

Timothy Lattimer

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Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP
Mildenberg, Boender & Associates



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

June 22, 2023

SSM Hospitality, LLC
8074 Baltimore National Pike
Ellicott City, MD 21043

RE: WP-23-104 Browns Begone

Dear Sir/Madam:

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.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments should be submitted to this Division for distribution.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before August 6, 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. Submission materials must be received on or before the due date. Submission materials can also be emailed to planning@howardcountymd.gov for processing. **Please include this letter with your submission as it will serve as the checklist for staff.**

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

Attachments: DLD comments

cc: Research
DLD - Julia Sauer
Mildenberg, Boender & Associates



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: BROWNS BEGONE- ARAH development

Subdivision Name/Property Identification: BROWNS BEGONE- SDP-23-039

Location of property: 8074 BALTIMORE NATIONAL PIKE, ELLICOTT CITY, MD 21043

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

Tax Map: 18 **Grid:** 14 **Parcel No:** 73 **Election District:** FIRST

Zoning District: POR **Total site area:** 2.5 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:

ECP-23-003
 BOA-22-006V

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
16.1205(a) (3)	Request to remove 3 specimen trees.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: G. J. Pates Date: 04/28/2023

Signature of Petitioner Preparer: _____ Date: _____

Name of Property Owner: SSM HOSPITALITY LLC Name of Petition Preparer: Mildenberg Boender & Assoc.

Address: 8074 BALTIMORE NATIONAL PIKE Address: 8318 Forrest Street – Suite 300

City, State, Zip: ELLICOTT CITY, MD 21043 City, State, Zip: Ellicott City, MD 21043

E-Mail: sampatel867@gmail.com E-Mail: salomer@mba-eng.com

Phone No.: _____ Phone No.: 410-997-0296

Contact Person: Ghanshyam Patel Contact Person: Sam Alomer

Owner's Authorization Attached