



# 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

September 27, 2023

Mr. Ed Rudden  
Accordia Consulting LLC  
6904 Pindell School Road  
Fulton, MD 20759

RE: WP-24-004 Highland Professional Park

Dear Mr. Rudden:


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 September 21, 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 6 Specimen Trees. 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 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 Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely

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

AC/DD

Attachment (1): Directors Action Report (DAR)

cc: Research (6 req./6 app.)  
DLD - Julia Sauer  
Real Estate Services  
Anne Gilbert - DNR [anne.gilbert@maryland.gov](mailto:anne.gilbert@maryland.gov) (if waiver to forest conservation sections)  
Vogel Engineering + Timmons Group  
SDP-22-014



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3430 Court House Drive

Ellicott City, Maryland 21043

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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
DEPARTMENT OF RECREATION AND PARKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-24-004 Highland Professional Park**  
*Request for a variance to Section 16.1205(a)(3) of the Howard County Code.*

**Applicant:** Accordia Consulting, LLC  
6904 Pindell School Road  
Fulton, MD 20759

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 Specimen Trees 1, 2, 3, 4, 5, and 11. The Directors deliberated the application in a meeting on September 21, 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 triangular shaped property is 2.24 acres and requires 0.28 acres of road dedication and 0.19 acres are encumbered by the wetland and wetland buffer. As such, 0.47 acres or 21% of the 2.24 acre parcel is not available for development. The site is outside the planned water and sewer service area and must provide well and septic on-site. A new well and reservation of two alternative wells is required. The locations of the well and septic is affected both by the locations of offsite well and septic areas and the presence of the wetland on-site. The well locations were approved in conjunction with a MDE variance due to their "downhill" position from the large septic system in operation serving Highland Crossing retail and office project on the north side of Route 108. The Health Department approved the sewage disposal area which was tested and approved at the specified locations based on proximity to offsite wells and away from the high groundwater wetland areas.

Retention of the specimen trees would further reduce the area available for septic area and required parking. In addition to the unique shape and on-site constraints, the property is adjacent to the northeast is zoned RR-DEO which requires a 30' structure and use setback along the common property line and the property adjacent to the southwest is a BGE substation. Power supply lines run more or less parallel to the property line and within 30'-40' of the property line. Alternative plans to keep some of the specimen trees along the SW property line demonstrate an impact of 30% to their rootzones. While a 30% impact is the threshold of tolerance for impacting specimen tree rootzones, any impact may stress and weaken the trees and pose a potential threat to the adjacent power

supply line. Due to these unique site characteristics, retention of the specimen trees would significantly reduce the developable area of the site and pose an unwarranted hardship.

The Directors deliberated the details of the alternative plan and the benefits of the existing trees at the property lines v. new mitigation trees within the context of the site constraints. They ultimately determined that the original layout with full mitigation trees on site was the preferred plan.

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

Based on evaluation by County staff, the condition of Specimen Trees 1, 2, 3 and 11 is less than good. Removal of hazardous trees that are in poor condition and pose a threat to the property and surrounding properties is a right commonly enjoyed by others in similar areas. Specimen Trees 4 and 5 are in good condition however, retention of ST 4 & 5 would reduce the area available for required septic area and parking. Alternative proposals may reduce impact to the trees to the 30% threshold, however, those proposal showed the proximity to the required septic area and power supply lines on the adjacent substation property is not ideal and poses a potential conflict. Future root growth, or potential decline in tree health may compromise the septic area or pose a threat to the supply lines. Strict enforcement of the regulations prevents the property owner from utilizing the reasonable developable area of the property and may pose a threat to critical BGE infrastructure.

**3. Verify that the granting of a variance will not adversely affect water quality;**

There is no evidence that granting the variance will adversely affect water quality. The previous use of the site provided no storm water management controls. The new development will provide storm water management practices in compliance with current environmental site design (ESD) requirements. The original septic system will be replaced with a modern system which will be reviewed by the Health Department for compliance with State regulations. The system includes a pretreatment unit to enhance sewage discharge quality. The wetland and wetland buffer will be perpetually protected in a Forest Conservation easement. 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;**

Approval will allow the applicant to develop the site with a commercial use which is permitted in the zone. The development must comply with all local and State Regulations. The triangular shape of the lot and additional on-site environmental features and required road dedication provide rationale for the requested alternative compliance and do not constitute a special privilege.

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

The application is the result of the shape of the lot and the existing conditions such as the on-site wetland and wetland buffer and adjacent power lines. The existing conditions and the applicant's obligation to meet regulations in order to develop the site for the permitted use with septic and parking.

**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; and**

The presence of the power supply lines on the adjacent property add partly to the site constraints. Also, the well and septic locations are impacted by the previously constructed septic system on the opposite side of MD Route 108.

**7. Provide any other information appropriate to support the request.**

Removal of the 6 specimen trees will be mitigated with the planning of 12 native shade trees with a DBH of 3".

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

1. Approval is for removal of Specimen Trees 1, 2, 3, 4, 5, and 11 only and shall be mitigated with the planting of 12 native shade trees meeting 3" DBH. A minimum of 6 of the mitigation trees shall be placed in the proposed Forest Conservation Easement and clearly be shown on the plans to be preserved.
2. Include a note on all plan submission that describe this application, WP-24-004, the request, decision, decision date and list conditions of approval.
3. SDP-22-014 plans will be revised as follows: The Forest Conservation Easement shall include the entire wetland and wetland buffer area. The LOD will be at least 15' away from the edge of the Forest Conservation easement as required by the Forest Conservation Manual.

DocuSigned by:

*Lynda Eisenberg*

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Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

DocuSigned by:

*Nicholas Mooneyhan*

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Nicholas Mooneyhan, Director  
Department of Recreation and Parks

DocuSigned by:

*Leah Miller*

C5275073D285457...

Leah Miller, Acting Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DRP  
SDP-22-014



**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 *WP-24-006*

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** 2-story brick on block building constructed in 1987 in historic district Ellicott City. Lower level retail, upper level retail, office, and 2 existing apartments. Building has historic facade interior is wood T&G on steel post and beam construction, sprinklered.

**Subdivision Name/Property Identification:** Historic Ellicott City " Ellicott Square "

**Location of property:** 8167 Main Street, Ellicott City, MD 21043

**Existing Use:** Commercial Office **Proposed Use:** Residential

**Tax Map:** 025A **Grid:** 0000 **Parcel No:** 0038 **Election District:** 7

**Zoning District:** HC Office / Commercial **Total site area:** 11,512 building 5,894 lot

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:

On October 26, 2020 WP-20-072 Ellicott Square was approved and 2 existing offices were converted into residential apartments and are now currently occupied and licensed.

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 16.104 and Section 16.155(a)(ii)	Conversion of office space to residential apartments. Office space is vacant and difficult to lease since the flooding and Covid. We are requesting alternative compliance since the best use for this space is reasonably priced apartments which historically from experience can be leased. The total of the work is inside the building the exterior will not be disturbed. Building and alleys cover almost the entire lot.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

*[Handwritten Signature]*

Date:

July 6, 2023

Signature of Petitioner Preparer:

*[Handwritten Signature]*

Date:

July 6, 2023

Name of Property Owner:

Navia LLC / Douglas Thomas  
Member

Name of Petition Preparer:

Douglas Thomas

Address:

12200 Meadow Creek Court

Address:

12200 Meadow Creek Court

City, State, Zip: Potomac, MD 20854

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E-Mail:

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Phone No.:

202-297-7200

Phone No.:

202-297-7200

Contact Person:

Douglas Thomas

Contact Person:

Douglas Thomas



Owner's Authorization Attached