



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

December 14, 2023

Trotter Estates LLC
Amir Ahmad
PO Box 883
Greenbelt, MD 20768

RE: WP-24-011 Trotter Estates

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 December 14, 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 three (3) specimen trees. Please see the attached Final Decision Action Report for more information.

On October 27, 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 16.120(b)(4)(iii)(b)** and **Section 16.121(a)(2)** of the Subdivision and Land Development Regulations to allow environmental features to be located within the pipestems of Lots 1-4 and to reduce the minimum lot size from 18,000sf to 15,464sf.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.120(b)(4)(iii)(b) and 16.121(a)(2) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

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

The applicant is seeking to maximize the open space area to contain the stream, stream bank buffer, 100-year floodplain and forest conservation easement (afforestation). The open space will be dedicated to Howard County to be maintained by the Department of Recreation and Parks. Strict conformance with the requirements would force the applicant to revert to the alternative proposal, which places the environmental features on the buildable lots and results in significantly less open space dedication to the County (0.5 ac versus 1.18 ac). The applicant's proposal will ensure maximum protection for the stream, buffer, 100-year floodplain and forest conservation easement. The pipestems for the buildable lots will contain a portion of the environmental features and buffers, which is unavoidable due to the location of the environmental features along the entire

frontage of Trotter Road. An existing driveway will be improved to provide access to the lots. The adjoining subdivisions to the north and south range from 12,000sf to 20,000sf lot sizes. The applicant is proposing lot sizes ranging from 15,464sf to 17,059 sf. This will provide a transition between the two adjoining subdivisions and will be compatible with the character of the neighborhood.

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.

The site contains extensive environmental features which constitute 44% of the total site area. The alternative proposal creates four 20,000sf lots but only a portion of the environmental features are dedicated to the County as open space and each of the lots would be encumbered with environmental features. By utilizing the optional lot sizes, the environmental features and buffers will be better protected from encroachment in open space to be dedicated to Howard County. The environmental features and buffers exist along the entire frontage of Trotter Road and an existing driveway will be utilized for access. No other access locations exist from the public road. Utilizing the existing driveway will result in the least impact to the environmental features and buffers.

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

Granting of the variance will allow for the maximum protection of the environmental features and buffers and does not constitute a special privilege. The alternative proposal creates four buildable lots with a minimum lot size of 20,000sf, but the environmental features and buffers are located on the buildable lots and will not be protected in County-owned open space. The location of the driveway access and road frontage will also not confer a special privilege to the applicant since an existing driveway will be utilized and no other means of access exists.

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

Approval of the alternative compliance will not be detrimental to the public health, safety or welfare. On the contrary, it will be beneficial to the public interest since it will allow for additional open space to be dedicated to the County and the maximum protection of the environmental features and buffers. Utilizing the optional lot sizes will create a transition between the two adjoining subdivisions and will be compatible with the character of the neighborhood.

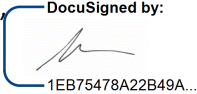
Approval of this Alternative Compliance is subject to the following conditions:

1. The stream bank buffer, wetlands, wetland buffer and 100-year floodplain are permitted to be located within the pipestem area on Lots 1-4, as shown on the Alternative Compliance plan exhibit dated September 2023. The building envelope shall be no closer than 35' from these environmental features. The remainder of the environmental features shall be located on Open Space Lot 5 and dedicated to Howard County, as shown on the Alternative Compliance plan exhibit.
2. The lot sizes shall be consistent with the Alternative Compliance plan exhibit dated September 2023 (15,464 sf minimum lot size). Open Space Lot 5 shall be dedicated to Howard County and shall be at least 1.18 acres in size, as shown on the plan exhibit.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, 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
Mildenberg, Boender & Associates
Anne Gilbert - DNR anne.gilbert@maryland.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

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-24-011 Trotter Estates**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Trotter Estates LLC
Amir Ahmad
PO Box 883
Greenbelt, MD 20768

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 three (3) specimen trees for construction of a residential subdivision. The Directors deliberated the application in a meeting on December 14, 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 site contains extensive environmental features which constitute 44% of the total site area. This restricts the developable area to the rear half of the site. The location of the three specimen trees and the associated critical root zones occupy a large portion of the developable area. Specimen Tree #2 is located adjacent to the existing house and will be heavily impacted by the demolition of the house, driveway and accessory garage. Specimen Trees #3 and #6 are located within the center of the developable area and will be heavily impacted by site grading and construction of the houses, stormwater management facilities, utilities, etc. Strict conformance with the requirements would deprive the applicant from reasonably developing the property.

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

The applicant has reduced the area of the buildable lots to provide the maximum amount of open space and protection of the environmental features. The applicant was able to revise Lot 4 to protect Specimen Tree #7. The three specimen trees requested for removal are located within the developable area and will be heavily impacted

by demolition of the existing house, site grading and construction of the proposed houses. Strict enforcement of the regulations would deprive the applicant of 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 proposed development will be subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Micro-bioretenion facilities and drywells are proposed to treat water quality for the proposed development. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit. Mitigation will be provided for removal of the three specimen trees by planting at least six native trees onsite with a minimum size of 3" diameter at breast height. The mitigation trees will be planted in the open space area, which will ensure their long-term protection.

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

The removal of the three specimen trees is the minimum necessary to allow for reasonable development of the property into four buildable lots. The trees are centrally located within the developable area and will be heavily impacted by removal of the existing structures, site grading and construction of the proposed houses.

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

The variance request is not based on conditions or circumstances which are the result of actions by the applicant. The site contains extensive environmental features which constitute 44% of the total site area. The applicant has reduced the area of the buildable lots to provide the maximum amount of open space and protection of the existing environmental features.

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, #3 and #6 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 #4, #5 and #7. Details shall be provided on the Final Plan and Site Development Plan(s).
1. The applicant shall mitigate the removal of the three specimen trees by planting at least 1-acre of afforestation on Open Space Lot 5 in accordance with the Alternative Compliance plan exhibit dated December 2023 and the planting specifications in Section 3.9 of the Forest Conservation Manual. The applicant shall plant a minimum of 6 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided on the Final Plan or 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.

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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:

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

November 29, 2023

Trotter Estates LLC
Amir Ahmad
PO Box 883
Greenbelt, MD 20768

RE: WP-24-011 Trotter Estates

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 November 2, 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 your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove three specimen trees and is requesting you **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (**on or before January 13, 2024***).

***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:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

cc: Research
DLD - Julia Sauer
Real Estate Services



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

ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

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

RE: **WP-24-011 Trotter Estates**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Trotter Estates LLC
Amir Ahmad
PO Box 883
Greenbelt, MD 20768

The above referenced application to remove three specimen trees was reviewed on November 2, 2023. Pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks and Administrator of the Office of Community Sustainability considered the applicant’s request for a variance with respect to **Section 16.1205(a)(3)** of the Howard County Forest Conservation Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. The Directors met on November 2, 2023 and continued discussions on November 9 and 13 to review the petition and to discuss options for mitigating the removal of the three specimen trees. The Directors decided that a planting plan should be submitted by the petitioner to establish native trees within the 100’ stream bank buffer as additional mitigation. The planting plan should show the proposed limit of planting, the number of plantings and the type of species to be planted.
2. Consider utilizing permeable pavement for the driveway within the stream buffer.

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:

Timothy Lattimer

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Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP



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 8, 2023

Amir Ahmad
Trotter Estates LLC
PO Box 883
Greenbelt, MD 20768

RE: WP-24-011 Trotter Estates

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 September 22, 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.

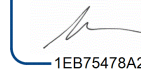
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If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/eb

Attachments: DLD comments, DRP comments

cc: Research
DLD - Julia Sauer
Real Estate Services
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: 5808 TROTTER ROAD, CLARKSVILLE MD

Subdivision Name/Property Identification: Trotter Estates

Location of property: ADC MAP 14, GRID H-6

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 35 **Grid:** 02 **Parcel No:** 10 **Election District:** Fifth

Zoning District: R-20 **Total site area:** 2.96

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-22-028 **F-23-027**

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.

Section Reference No.	Brief Summary of Request
16.121(a)(2)	Allow lots minimum size to be 14,000 sq.ft. (actual minimum is 15,464 sq.ft) by providing 40% open space
16.1205(a)(3)	Request removal of 4 specimen trees
16.120(b)(4)(iii)(b)	Allow placement of stream and wetland buffer on lots less than 10 Acres.
16.115(c)(2)	Allow grading and paving in the floodplain.

Signature of Property Owner:



Date:

July 16, 2023

Signature of Petitioner Preparer:

~~SAM ALOMER~~

Date:

7.17.2023

Name of Property Owner:

Trotter Estates LLC/Amir Ahmad

Name of Petition Preparer:

Mildenberg Boender & Assoc.

Address:

PO BOX 883

Address:

8318 Forrest Street – Suite 300

City, State, Zip:

GREENBELT, MD 20768

City, State, Zip:

Ellicott City, 21043

E-Mail:

amir@adandcmanagement.com

E-Mail:

salomer@mba-eng.com

Phone No.:

Phone No.:

410-997-0296

Contact Person:

Amir Ahmad

Contact Person:

Sam Alomer

Owner's Authorization Attached