



# 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 6, 2023

Life Storage, LP  
6467 Main Street  
Williamsville, NY 14221

RE: WP-24-039 Life Storage

Dear Sir/Madam:

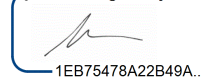
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On November 2, 2023 and pursuant to Section 16.116(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(a)(1)** of the Subdivision and Land Development Regulations to impact 3,514sf of forested nontidal wetlands and 6,761sf of wetland buffer for construction of a 2-story storage building. 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 Eric Buschman at (410) 313-2350 or email at [ebuschman@howardcountymd.gov](mailto: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  
Vogel Engineering + Timmons



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

Lynda D. Eisenberg, AICP, Director

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## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

**RE:** **WP-24-039 Life Storage**  
*Request for an alternative compliance to Section 16.116(a)(1) of the Subdivision and Land Development Regulations.*

**Applicant:** **Life Storage, LP**  
**6467 Main Street**  
**Williamsville, NY 14221**

Pursuant to Section 16.116(d), 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 an alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations. The purpose is to construct a new 2-story storage building, which will impact 3,514sf of forested nontidal wetlands and 6,761sf of wetland buffer. The Directors deliberated the application in a meeting on November 2, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in 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 Section 16.104(a)(1) and Section 16.116(d):

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

The original Site Development Plan for the storage facility (SDP-87-153) included four one-story storage buildings and an office building. The applicant is seeking to improve the business offerings of the existing self-storage facility by providing a new climate-controlled building to meet the changing needs of their customers. The original limit of disturbance on SDP-87-153 included a stockpile and sediment trap located east of the existing paving and west of the existing public sewer main/easement, which is consistent with the disturbance area requested by this Alternative Compliance.

The project will impact a small portion of a wetland that lies immediately to the east of the existing developed area. The wetland occurs within a previously disturbed area at the base of a dirt stockpile. An existing sewer line is present within the wetlands to the east of the proposed impact area. The wetland has been historically impacted by ATV activity and the area is rutted by old tire tracks due to the clay nature of the soil.

Strict conformance with the requirements would deprive the applicant from constructing the climate-controlled storage building. The applicant considered alternatives including the construction of new, multi-level facilities in place of the existing one-story storage buildings, however, this alternative is not practical because the facility is highly utilized and removal of storage units for construction of the new facilities would be difficult for the applicant to accomplish. In light of this, the applicant has focused the proposed building on the previously impacted area on-site.

**2. The 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 is 14.5 acres in total but roughly 10 acres are encumbered by wetlands, streams, buffers and 100-year floodplain. The extensive nature of these resources makes it impossible for any onsite expansion of the business without impacting the regulated resources. The proposed disturbance area is located directly to the east of the existing storage buildings between the existing paving and a public sewer main/easement. Surface runoff partially drains between the edge of paving and the dirt stockpile, contributing to the establishment of wetlands in the area. The authorization permit from MD Dept. of the Environment confirms the wetland in this area was likely impacted originally by the placement of the stockpile and later by ATV activity. The 20' public sewer easement is maintained by Howard County, which is typically cleared of substantial vegetation to allow access for maintenance of the sewer main. The larger wetland area to the east of the sewer easement will be recorded as a Forest Conservation Easement to ensure long-term protection of the wetland adjacent to the regulated 100-year floodplain, which encompasses the entire rear of the property.

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

The Maryland Department of the Environment (MDE) has issued a letter of authorization for the proposed wetland and buffer disturbance dated September 17, 2019. Considering the site constraints and the approved authorization from MDE, this variance would not be denied to other applicants in a similar situation and conditions.

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

The modification is not detrimental to the public health, safety or welfare. The new construction will include Environmental Site Design practices to meet current County and State stormwater management requirements. The wetlands in the disturbance area have been previously impacted by a dirt stockpile and ATV activity. The project includes recording a 1.4-acre Forest Conservation Easement to the east of the sewer easement in the rear of the property. This will ensure long-term protection of the forest within the larger wetland and floodplain area to the rear of the new storage building and public sewer main. The project will also provide a 10' wide public pathway, landscaping and street trees adjacent to Washington Boulevard (MD Route 1).

**5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**

The construction of the new building will require a 3,178sf area of temporary disturbance for construction activities, which was illustrated on the MDE Joint Permit Application. The vegetation will re-establish in this temporary construction zone in accordance with the stabilization and seeding specifications in the erosion and sediment control plan. The wetland in this area appears to be maintained by surface runoff and the clayey, rutted soils, which have been previously impacted and do not represent the original natural condition. A Forest Conservation Easement will be recorded within the old stockpile and wetland to the east of the public sewer main. The Forest Conservation Plan includes the removal of invasive vegetation and re-planting of native trees to establish forest within the stockpile area.

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

Existing paved areas will be removed to accommodate the new building. The proposed development will include a modular wetland stormwater management device to treat the additional impervious surfaces. Water quality

treatment will be provided for approximately 3,800sf of existing paving which is currently untreated. Mitigation was not required in the authorization from MDE due to the relatively small size of the impacts. A Forest Conservation Easement will be recorded to the east of the public sewer main to protect the remainder of the forest adjacent to the 100-year floodplain.

**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.**

The new storage building was designed to minimize impacts to the greatest extent possible. The building foundation was extended to grade to minimize disturbance and to eliminate grading. The building will be partially located within the existing paved area and the footprint was reduced by adding a second floor. A modular wetland stormwater treatment device will be installed under the existing paving to further reduce the area of disturbance. A temporary construction area has been shown adjacent to the new building and super silt fencing will be installed along the perimeter of the authorized disturbance area.

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

1. Disturbance to the wetland and wetland buffer shall be the minimum necessary to construct the two-story storage building, as shown on the plan exhibit dated September 2023. Any disturbance to regulated resources beyond this request will require approval of Alternative Compliance from the Department of Planning & Zoning.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within regulated resources. The authorization number and date shall be included in a note on the Site Development Plan (SDP-22-006). The authorization must remain valid at the time of construction of the storage building.
3. The applicant shall conduct the authorized activities in a manner consistent with the Best Management Practices for Working in Nontidal Wetlands and Wetland Buffers, as specified by MD Dept. of the Environment.
4. All excess fill, spoil material, debris and construction material shall be disposed of outside of the wetlands, streams, buffers and 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of the wetlands. Temporary construction trailers, staging areas and stockpiles shall not be located within the wetlands, buffers or 100-year floodplain.
5. All disturbed areas within the wetland and buffer shall be stabilized and seeded or planted with native vegetation immediately after construction is complete, in accordance with the Site Development Plan (SDP-22-006) and erosion & sediment control plans.
6. Provide a note on Sheet 1 of the Site Development Plan (SDP-22-006) referencing this alternative compliance request and conditions of approval.

DocuSigned by:

*Lynda Eisenberg*

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Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

DocuSigned by:

*Yosef Kebede*

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Yosef Kebede, Director  
Department of Public Works

DocuSigned by:

*Timothy Lattimer*

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Timothy Lattimer, Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DPW



<b>DPZ Office Use only:</b>
File No.
Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Life Storage

**Subdivision Name/Property Identification:** Life Storage

**Location of property:** 8255 Washington Boulevard

**Existing Use:** Industrial      **Proposed Use:** Industrial

**Tax Map:** 43      **Grid:**      **Parcel No:** 231      **Election District:** 6

**Zoning District:** CE-CLI      **Total site area:** 14.47 AC

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:

SDP-22-006  
 ECP-21-006  
 SDP-87-153

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
16.116(a)(1)	Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 25' of a wetland in any Zoning District



Section Reference No.	Brief Summary of Request

Signature of Property Owner:

*[Handwritten Signature]*

Date:

[Redacted]

Signature of Petitioner Preparer:

*ROBERT VOGEL*

Date:

10/1/23

Name of Property Owner:

LIFE STORAGE LP

Name of Petition Preparer:

Vogel Engineering + Timmons Group

Address:

6890 S 2300 E

Address:

3300 North Ridge Road., Suite 110

City, State, Zip:

SALT LAKE CITY UT 84171

City, State, Zip:

Ellicott City, Maryland 21043

E-Mail:

SGUBLER@EXTREMSIDE.COM

E-Mail:

rob.vogel@timmons.com

Phone No.:

801-717-6502

Phone No.:

410-461-7666

Contact Person:

SHANDON GUBLER

Contact Person:

Robert H. Vogel

Owner's Authorization Attached