



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

January 11, 2024

Avinash Dewani
Howard County Department of Public Works
Stormwater Management Division
9801 Broken Land Parkway
Columbia, MD 21046

RE: WP-24-046 Country Meadows SWM Pond Repair

Dear Mr. Dewani:

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 January 10, 2024 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 16.1201(v)** of the Subdivision and Land Development Regulations to utilize the Limit of Disturbance as the net tract area to calculate the Forest Conservation obligation. Please see the attached Final Decision Action Report for more information.

If you have any questions, please contact Jason Lenker at (410) 313-2350 or email at jlenker@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JL

cc: Research
DLD - Julia Sauer
Real Estate Services
Anne Gilbert - DNR anne.gilbert@maryland.gov
Avinash Dewani – adewani@howardcountymd.gov



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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-24-046 Country Meadows Stormwater Management Pond Repair**
Request for a variance to Sections 16.1201(v) & 16.1205(a)(3) of the Howard County Code.

Applicant: Avinash Dewani
Howard County Department of Public Works
Stormwater Management Division
9801 Broken Land Parkway
Columbia, MD 21046

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 **Sections 16.1201(v)** of the Forest Conservation Regulations. The purpose is to utilize the Limit of Disturbance as the net tract area to calculate the Forest Conservation obligation. The Directors deliberated the application in a meeting on January 10, 2024.

In addition, **no action** is needed for **Section 16.1205(a)(3)** of the Forest Conservation Regulations to remove two specimen trees. Based on a site visit conducted by DPZ staff on November 14th, 2023, it was determined that the subject trees were misidentified as specimen trees. The two trees in question are codominant tulip poplar trees. The trees stem from a single trunk that branches off below breast-height. In this case, each stem is measured individually, and neither of the stems measured greater than 30" DBH. Since the trees do not meet the 30" DBH threshold, they are not regulated specimen trees. The Directors reviewed and confirmed this in a meeting on January 10, 2024.

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 Limit of Disturbance for this project is 2.06 acres and extends over two lots. Strict compliance to the regulations would require the applicant to address the Forest Conservation obligation for the entirety of the two parcels which would equal approximately 26.40 acres. Since the LOD is only 2.06 acres, the majority of these two properties will remain undisturbed. Requiring the applicant to address Forest Conservation for the entirety of the two lots would result in an unwarranted hardship for the applicant.

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 require the landowner to be responsible for a Forest Conservation obligation that is disproportionate to the scope of work that is being proposed. Most of the proposed work is occurring within the original LOD for the SWM pond and only a small portion of the work, 0.26 acres, will occur outside of the SWM easement. By strictly enforcing the regulations and requiring the landowner to address the Forest Conservation obligation for both properties, the landowner would be deprived of the right to address a reasonable Forest Conservation obligation which is a right commonly enjoyed by others.

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

There is no evidence that the granting of this variance will adversely affect water quality. The express purpose of this project is to repair the failing storm water management pond and to address stream erosion which is intended to improve drainage and water quality in the area and overall watershed. The project footprint has been intentionally designed to minimize impacts and to only remove trees that are necessary to complete the project. Additionally, the development is 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.

The proposed upgrades to the existing storm water management facility are required to ensure that it continues to provide water quality and control benefits to the surrounding properties and the watershed as a whole. Due to the need for this project, granting a variance for this project will not confer on the applicant a special privilege that would be denied to other applicants but instead will allow the project to more appropriately match the goals to the overall intent of the regulations.

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

The existing storm water management pond is no longer functioning as designed and does not meet current safety standards. Despite regular standard maintenance, these repairs are needed to update the outdated facility. These circumstances are not the result of the applicant's actions.

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.

The functionality of the storm water management facility has degraded over time. The current conditions of this facility did not arise from and are not a result of any conditions related to land or building use on a neighboring property.

Directors Action: Approval of alternative compliance of Sections 16.1201(v) is subject to the following conditions:

1. Submit the SWM report and H&H/Storm drain report for SHA review when available.
2. Provide a sediment control plan to Howard SCD for review and approval. See Howard SCD plan EP-17-037.

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
Avinash Dewani – adewani@howardcountymd.gov



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: Country Meadows Stormwater Management (SWM) Pond Repairs

Subdivision Name/Property Identification: Country Meadows Apartments

Location of property: Country Meadows Lane

Existing Use: SWM Pond **Proposed Use:** SWM Pond

Tax Map: 47 **Grid:** 23 **Parcel No:** 543, 764 **Election District:** 13

Zoning District: R-A-15 **Total site area:** 2.06 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:

The SWMD is performing a task under Capital Project D-1159 to repair the Country Meadows SWM Pond. The purpose of the project is to remove the existing riser control structure and barrel pipe, replace the principal spillway by constructing a concrete weir wall with multiple flow stages, excavate the basin down to achieve more available storage volume, and stabilize the three inflow pipes to the pond. These repairs and enhancements allow the Country Meadows Pond to conform to industry safety standards by satisfying the stormwater management sizing requirements in the 2000 Maryland Design Manual. The pond is located at the corner of Country Meadows Lane and Washington Boulevard (U.S. Route 1).

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 16.155(a)(i)(ii)	Requirements for site development plans
Section 16.1201(v)	HODPW requests a waiver to use the LOD as the net tract area

Section Reference No.	Brief Summary of Request
Section 10.1210(d) Section 16.1205(a)(3)	Removal of specimen trees - Two specimen trees will likely need to be removed to perform the necessary stream diversion for the SWM pond repairs.

Signature of Property Owner: Amy Dewani Date: 10/24/2023

Signature of Petitioner Preparer: _____ Date: _____

Name of Property Owner: Same as Preparer Name of Petition Preparer: Howard County SWM Division

Address: _____ Address: 9801 Broken Land Parkway

City, State, Zip: _____ City, State, Zip: Columbia, MD 21046

E-Mail: _____ E-Mail: adewani@howardcountymd.gov

Phone No.: _____ Phone No.: 410-313-6417

Contact Person: _____ Contact Person: Avinash Dewani

Owner's Authorization Attached