



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

June 4, 2024

Edward Seidel
3933 Saint Johns Lane
Ellicott City MD 21042

RE: WP-24-070 Seidel Property (F-23-057)

Dear Mr. Seidel:

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 May 23, 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations for the removal of two (2) specimen trees. Please see the attached Final Decision Action Report for more information.

On May 13, 2024, 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 16.127(c)(4)(i)** of the Subdivision and Land Development Regulations to retain an existing driveway for access to future Lot 2 and to create a new shared driveway for the proposed houses on Lots 1 and 3.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.127(c)(4)(i) 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 subject property contains an existing house (that shall remain) that is at the rear of the property and faces the public road (St. John's Lane). The house is constructed with a side-load garage that has access to an existing 30-foot-wide private use-in-common driveway. This use-in-common driveway is shared with five neighboring residential properties. The subdivision design proposes two new lots with direct frontage onto Saint John's Lane. The intent of the subdivision design layout is to preserve the existing driveway access for Lot 2 and create a new shared driveway for the new homes. Strict conformance with the requirements would require the driveway for the existing house to be abandoned and relocated to the front yard, significantly impacting the setting, and increasing impervious surfaces. This would deprive the applicant the rights commonly enjoyed by others, because the existing house on Lot 2 shall continue to utilize the existing shared driveway for access to and from St. Johns Lane and by retaining the driveway, it would serve as a more practical point of access for the existing house on Lot 2.

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 subject property has a unique configuration. The frontage of the property is much wider at St. Johns Lane than it is at the rear. St. Johns Lane has a right-of-way width of 60 feet, thus requiring the Seidel Property to dedicate approximately 16,000 SF (or 0.3669 acres) of land to the County for road right-of way purposes. The two stormwater facilities are designed to meet the enhanced stormwater management requirements of the Plumtree Watershed. The existing access driveway is shared with 5 other properties and would remain regardless of the subject property derived access from it or not. In addition, strict adherence to the regulations would require a new driveway for the existing house to be constructed in the front yard to wrap to the side-load garage resulting in a net increase in impervious surfaces within the Plumtree Watershed.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants. This request to retain an existing driveway for future Lot 2 does not confer a special privilege to the applicant that will be denied to others. The existing access driveway is shared with 5 other properties and would remain regardless of if the subject property was undergoing subdivision or not.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties. There is no negative impact on the public safety or welfare, nor will it be injurious to other properties. The existing driveway has been in place since 1955 and has provided continued access for five properties since that time. The retention of the existing driveway will not impact other properties.

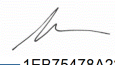
Approval of this Alternative Compliance is subject to the following conditions:

1. Include a note summarizing the alternative compliance application request, sections, decision date and all conditions of approval on all related plan submissions. Please be clear that alternative compliance to Section 16.127(c)(4)(i) was acted on by the Department of Planning and Zoning only, and alternative compliance to Section 16.1205(a)(3) was acted on by the Director of Planning and Zoning, the Director of Recreation and Parks and the Administrator of the Office of Community Sustainability.
2. The removal of the two specimen trees (ST-1, 36.76" Norway Spruce and ST-2, 35.5" Norway Spruce) is hereby permitted, as shown on the Alternative Compliance Plan Exhibit.
3. The removal of the two specimen trees is permitted and requires the planting of four native shade trees onsite. The trees shall be a minimum of 3" DBH and shall be shown on the final subdivision landscape plan sheets. The trees must be bonded along with the developer's agreement for the required landscaping obligation.

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 Derrick Jones at (410) 313-4330 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
DNR – fca.dnr@maryland.gov
Vogel+Timmons
File: F-23-057



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-24-070 Seidel Property**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Edward Seidel
3933 St Johns Lane
Ellicott City MD 21136

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 (2) specimen trees. The Directors deliberated the application in a meeting on May 23, 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 front of the property is located along a curvature of Saint John's Lane and contains an existing house (that shall remain) that is at the rear of the property and faces the public road. The house is constructed with a side-load garage that has access to an existing 30-foot-wide private use-in-common driveway shared with five off-site lots. The property contains four specimen trees. Two specimen trees are located to the rear of the existing house and will remain (on Lot 2). The other two specimen trees are in the front lawn of the existing house and will be removed to accommodate the new lots (Lots 1 & 3). Special conditions peculiar to the property which cause an unwarranted hardship is a result of the property's access and infill development regulations. The two additional lots are not permitted to utilize the existing driveway and shall have its access from a new shared driveway to meet sight distance requirements. The infill regulations require an expanded front setback to be compatible with the existing adjoining lots and increased stormwater management for the Plumtree watershed. As a result of site design standards, along with the desire to place the new homes in a position to reduce visual impact to the existing house's unique architectural elements, the building envelopes are constrained which results in limited house box dimensions. With these conditions, the impact to the Norway Spruce trees' critical root zones would be significantly greater than 30%. The critical root zones for Specimen Tree #1 and #2 encompasses a large majority of the building envelopes and, therefore, the retention of the two subject trees with a maximum 30% critical root zone disturbance will not permit for the construction of the houses, driveways, and associated utilities.

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

Two of the four specimen trees on the subject property are proposed to be removed to accommodate houses on proposed Lots 1 and 3. Specimen Trees #1 and #2 fall within the building envelopes for the two lots, and the critical root zone for each tree burdens most of the building area. The construction activities associated with the proposed house foundations, utilities, driveways, and grading will require the removal of the two specimen trees.

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 development is subject to the current Environmental Site Design criteria. The project is located within the Plumtree Watershed and, therefore, is required to provide 10-year, 100-year, and flood of record stormwater management controls. The proposed micro-bioretenion facilities will encourage the infiltration of runoff further enhancing water quality.

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 peculiarly shaped parcel in relation to the curvature of St Johns Lane at its frontage, the orientation of the existing house to remain and limited building envelope provide rationale for the requested variance and, thus, does not constitute a special privilege that would be denied to other applicants.

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 lot geometry, required setbacks, driveway access, utility connections and stormwater management requirements limit the developable area of the property. The removal of Specimen Tree #1 and #2 is required for reasonable development of the site.

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.

As part of their deliberations, the Directors discussed that in the context of the suburban matrix, removing 2 non-native shade trees is an appropriate tradeoff for 4 replacement, native, 2-3' caliper trees. If this property was located in an urban heat island, or contained a tributary with reproducing trout, or the trees provided connectivity between larger high-quality habitat, or some other priority natural resources existed on site or nearby, then the tradeoffs of this action would need to be investigated further. However, no exceptional resources have been found on site or in the immediate proximity, and the team agrees that the benefit of increased native tree canopy in the future, outweighs the immediate benefits provided by these non-native species.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the two (2) following conditions:

1. The removal of the two specimen trees (ST-1, 36.76" Norway Spruce and ST-2, 35.5" Norway Spruce) is hereby permitted, as shown on the Alternative Compliance Plan Exhibit.
2. The removal of the two specimen trees is permitted and requires the planting of four native shade trees onsite. The trees shall be a minimum of 3" DBH and shall be shown on the final subdivision landscape plan sheets. The trees must be bonded along with the developer's agreement for the required landscaping obligation.

WP-24-070

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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

AEB60003A8F04A0...

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

February 9, 2024

Edward Seidel
3933 Saint Johns Lane
Ellicott City MD 21042

RE: WP-24-070 Seidel Property (F-23-057)

Dear Mr. Seidel:

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 following additional information is provided.

This alternative compliance petition must be updated to include a request to Section 16.120(c)(2) of the Subdivision and Land Development Regulations regarding access and frontage for proposed Lot 2.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before March 25, 2024***), 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.

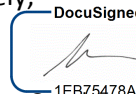
In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

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 Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

AC/dj

cc: Research
DLD - Julia Sauer
Vogel+Timmons



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
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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Seidel Property

Subdivision Name/Property Identification: Seidel Property

Location of property: 3933 Saint Johns Lane, Ellicott City, MD 21042

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

Tax Map: 24 **Grid:** 17 **Parcel No:** 459 **Election District:** 1

Zoning District: R-20 **Total site area:** 2.21 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:

F-23-057
 ECP-23-008

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)	Specimen Trees

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Edward Seidel* Date: _____

Signature of Petitioner Preparer: *Rob Vogel* Date: *1/23/24*

Name of Property Owner: _____ Name of Petition Preparer: **Vogel Engineering + Timmons Group**

Address: *3933 Saint Johns Lane* Address: **3300 North Ridge Road., Suite 110**

City, State, Zip: *Ellicott City MD 21042* City, State, Zip: **Ellicott City, Maryland 21043**

E-Mail: *edward@seidel.us* E-Mail: **rob.vogel@timmons.com**

Phone No.: *443 928 7713* Phone No.: **410-461-7666**

Contact Person: *Edward Seidel* Contact Person: **Robert H. Vogel**

Owner's Authorization Attached