



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

May 31, 2024

Development Partners, LLC
Attn: Justin Boy
82 East Lake Drive
Annapolis, MD 21403

RE: WP-24-088, Pointers View

Dear Applicant:

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 to remove one (1) specimen tree. Please see the attached Final Decision Action Report for more information.

On May 8, 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 **Sections 16.119(f)(3) & 16.127(c)(4)(i)** of the Subdivision and Land Development Regulations to utilize individual driveways for the two (2) lot subdivision.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.119(f)(3) & 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;***

This property fronts on South Trotter Road which is classified as a major collector road. Per the Howard County Subdivision and Land Development Regulations, subdivisions with no other means of access except from a restricted access road may be approved for a single use-in-common driveway. The residential infill regulations also require existing driveway entrances onto a public road be connected to a single use-in-common driveway or abandoned. South Trotter Road was created sometime between 1993 and 1998 when Route 32 and Great Star Drive were completed and placed into operation, bisecting Trotter Road into two segments. The 2000 General Plan retained South Trotter Road and this designation was carried through to Plan Howard 2030 and HoCo by Design. The Office of Transportation has expressed that based on the existing and proposed land use, and its limited function connecting communities, a neighborhood yield street may be a more appropriate designation for South Trotter Road, which would not restrict access to a single driveway. Additionally, the seven single family

detached properties along South Trotter Road utilize individual driveways, so strict conformance with the regulations would deprive the applicant the right to develop the two (2) lots with individual driveway access which is a common right enjoyed by others in the area. By allowing individual driveways for the two (2) lots, this subdivision will remain consistent with the surrounding character of South Trotter Road.

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;*

This property is unique in the fact that a loop-style driveway currently provides access to the existing dwelling unit, so two (2) access points to the property from South Trotter Road already exist. The applicant is proposing to continue to use these two (2) existing access points for the individual driveways for each lot. Strict adherence to the regulations would require the applicant to abandon the existing access points, provide a new access point, and create an access easement across the two properties resulting in an unreasonable hardship.

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

Since this request is to retain the two (2) existing driveway access points and not a request to increase the number of access points, approval of this variance would not confer to the applicant a special privilege that would be denied to other applicants. Typically, in redevelopment scenarios, it is preferred that the existing access points be used rather than creating a new point of access, and most applicants are encouraged to use the existing access in redevelopment projects.

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

Since the property currently contains two (2) driveway access points off South Trotter Road, and the applicant is proposing to utilize these two (2) existing access points, retaining the two access points is not detrimental to public health, safety, or welfare as the access points already exist. The addition of a second house generates less than five (5) additional peak hour trips, and both entrances meet the requirements of Design Manual Volume III, Complete Streets, Section 2.5.E & 2.1.E.3 for Intersection Sight Distance and Stopping Sight Distance.


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

- 1. The alternative compliance approval grants the applicant the authority to remove one specimen tree, Specimen Tree #5, as shown on the alternative compliance exhibit and the final supplemental plan. The removal of any other specimen tree on the subject property is not permitted under this approval.*
- 2. Provide the planting of two (2) 3" DBH native Maryland trees on-site as mitigation for the removal of Specimen Tree #5. The two mitigation trees shall be shown on the final subdivision landscape and forest conservation plan sheets and must be bonded along with the developer's required landscape obligation.*
- 3. Access to South Trotter Road is restricted to the 20-foot access points approved on the final subdivision plan. The statement "vehicular egress and ingress is restricted" shall be shown along the frontage, except where the approved access points are located.*

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 Jason Lenker at (410) 313-4394 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
DNR – fca.dnr@maryland.gov
Justin Boy – justin@cornerstone-homes.com
Benchmark



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-24-088, Pointers View**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Development Partners, LLC
82 East Lake Drive
Annapolis, MD 21403

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 one (1) Specimen Tree. 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 subject property is 1.28 acres and zoned R-20 which requires a minimum lot size of 20,000 square feet. In order to create two (2) uniform and fairly even lots, Lot 17 is being subdivided through the center of the property. This results in Specimen Tree #5 being centrally located on Lot 2. Regardless of the proposed dwelling unit's location on Lot 2, the construction of any reasonably sized house would disrupt 30% or more of the Specimen Tree's Critical Root Zone requiring it's removal. Additionally, Specimen Tree #5 is a Norway Spruce which is a non-native species and is reported to be in Fair/Poor condition, so removal of this tree would not be detrimental to the overall natural environment. By strictly enforcing the regulations, it would be nearly impossible to construct a reasonably sized house on Lot 2 which would result in an unwarranted hardship for the property owner.

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 prevent the landowner from subdividing their property and constructing any reasonably sized dwelling unit on their second lot. Any landowner in a similar area with adequate land acreage has the right to subdivide and construct a dwelling unit on each buildable lot. By adhering strictly to the regulations, the landowner of this property would be deprived of rights commonly enjoyed by others in similar areas.

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. This request is for the removal a single Specimen Tree which has a minimal effect on water quality. If granted, the applicant will also be required to provide two (2) native replacement mitigation trees to offset the removal of the Specimen Tree #5 which would contribute positively to water quality. 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 property is zoned R-20 and is surrounded by other R-20 and New Town zoned properties. Subdividing the property into lots that meet or exceed the minimum lot size requirements is not a special privilege that would be denied to others in the same or similar zoning district. The removal of Specimen Tree #5 will require mitigation by planting two (2) native trees with a 3" DBH. The current regulations require the same mitigation obligation of all applicants, and the granting of this variance does not confer a special privilege to the applicant.

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

There is no evidence that this variance request is based on conditions or circumstances which are a result of actions by the applicant. Specimen Tree #5 has existed on the property for decades prior to the property owner deciding to subdivide the land.

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 on a neighboring property.

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

The applicant provided alternative exhibits for the lot design and has proven that it would be impossible to construct a reasonably sized dwelling unit on Lot 2 that would impact less than 30% of Specimen Tree #5's Critical Root Zone. Additionally, a representative from the Department of Recreation and Parks conducted a site visit to inspect Specimen Tree #5 and reported that it was a non-native species that was in "Fair to Poor" condition. Although not a native tree, the applicant is still proposing to mitigate the removal of this tree with two (2) native 3" DBH trees.

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

- 1. The alternative compliance approval grants the applicant the authority to remove one specimen tree, Specimen Tree #5, as shown on the alternative compliance exhibit and the final supplemental plan. The removal of any other specimen tree on the subject property is not permitted under this approval.*



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: residential lot

Subdivision Name/Property Identification: Pointers View

Location of property: 6536 S Trotter Road

Existing Use: residential single family detached home **Proposed Use:** residential single family detached homes

Tax Map: 35 **Grid:** 20 **Parcel No:** 60 **Election District:** 5

Zoning District: R-20 **Total site area:** 1.28 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:

PB 5 P 63: recorded on November 8, 1956
 ECP-24-028: signed on February 22, 2024

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
Subtitle 1 Article II Section 16.119(f)(3)	Request to continue to utilize the existing 2 separate driveway entrances off South Trotter Road and not combine into one use-in-common driveway
Subtitle 1 Article II Section 16.127(c)(4)(i)	Request to continue to utilize the existing 2 separate driveway entrances off South Trotter Road and not combine into one use-in-common driveway

Section Reference No.	Brief Summary of Request
Subtitle 12 16.1205(a)(3)	Request to remove one (1) specimen tree with a diameter of 30 inches or greater.

Signature of Property Owner: *JEM By* Date: 3/20/24

Signature of Petitioner Preparer: *DJH* Date: 3/20/2024

Name of Property Owner: Development Partners, LLC Name of Petition Preparer: Benchmark Engineering, Inc

Address: 82 East Lake Drive Address: 3300 N Ridge Road, Suite 140

City, State, Zip: Annapolis, Maryland 21403 City, State, Zip: Ellicott City, Maryland 21043

E-Mail: justin@cornerstone-homes.com E-Mail: bei@bei-civilengineering.com

Phone No.: 410-792-2565 Phone No.: 410-465-6105

Contact Person: Justin Boy Contact Person: D Thompson

Owner's Authorization Attached

2. *Provide the planting of two (2) 3" DBH native Maryland trees on-site as mitigation for the removal of Specimen Tree #5. The two mitigation trees shall be shown on the final subdivision landscape and forest conservation plan sheets and must be bonded along with the developer's required landscape obligation.*

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

AEB6003A8E04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DRP