



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

July 8, 2024

WLR Investment Group
Attn: Chad Bohn
1313 Orchard Way
Frederick, MD 21703
Sent via email to cbohn@wlrinvestmentgroup.com

RE: WP-24-095 Ellicott City Auto Spa (SDP-23-032)

Dear Mr. Bohn:

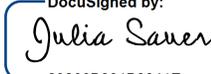
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On July 3, 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 16.1209(b)(1)** of the Subdivision and Land Development Regulations to fulfill the forest conservation obligation at an off-site mitigation bank and not within the on-site environmental features. 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 Julia Sauer at (410) 313-4342 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

29266B221B8841E... for

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js
cc: Research
DLD - Julia Sauer
DNR – fca.dnr@maryland.gov
Bohler Engineering (msenenman@bohlereng.com, browe@bohlereng.com)



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

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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-24-095 Ellicott City Auto Spa**
Request for a variance to Section 16.1209(b)(1) of the Howard County Code.

Applicant: WLR Investment Group
1313 Orchard Way
Frederick, MD 21703

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 16.1209(b)(1)** of the Forest Conservation Regulations. The purpose is to satisfy the forest conservation obligation at an off-site mitigation bank and no within the on-site environmental features. The Directors deliberated the application in a meeting on July 3, 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 4.15-acre property is developed as a motor vehicle sales facility. The existing site has 3.3 acres of impervious surface and 0.85 acres of undeveloped land; 0.7 acres of which is encumbered with environmental features. The western portion of the property contains a partially forested area with steep slopes that extend from the edge of the existing impervious pavement downward to the Sucker Branch stream, which meanders on and off-site along the parcel's boundary. The steep slopes extend past an area wider than 75 feet from the stream. A public sanitary sewer easement extends 40-feet from the western property line, and 100-year floodplain extends about 60-feet from the western property line. The applicant proposes to redevelop a portion of the existing impervious pavement with a new car wash facility.

The regulations state that forest conservation easements shall be established in all on-site sensitive areas, including floodplain, wetlands, wetland buffers, steep slopes and stream buffers. The applicant explored satisfying the forest conservation obligation on-site; however, the special conditions peculiar to the property caused a practical difficulty and unwarranted hardship. The regulations do not permit forest conservation easements within utility easements and forest retention cannot be credited in floodplain, eliminating approximately 0.4 acres of the environmental features from receiving credit for forest conservation. Planting forest within the floodplain and

onsite is permitted but cannot be credited because a 50-foot width cannot be maintained between the utility easement and the existing impervious pavement, eliminating the remaining environmental features from receiving credit for forest conservation. Instead, the applicant proposes to satisfy the forest conservation obligation by purchasing credits at a mitigation bank.

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

The property was developed in the early 1960's and does not have an approved site development plan or permit, which DPZ could apply the impervious surface exemption to and reduce the forest conservation obligation significantly. The project will avoid any disturbance to the existing treed areas, which could have satisfied forest conservation width requirements if not for the existing 40-foot utility easement. Since this project cannot claim credit for this area, any additional reduction in the existing developed land would render the project infeasible and deprive the landowner of rights to redeveloped their 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. This project will reduce the amount of impervious cover within the site limits because of this redevelopment. The development is subject to the current Environmental Site Design criteria, which includes a storm filter structure and plunge pool 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;

Granting of this variance will not confer on the applicant a special privilege that would be denied to other applicants. The property was developed in the early 1960's and does not have an approved site development plan or permit, which DPZ could apply the impervious surface exemption to and reduce the forest conservation obligation significantly. Presence of an existing public utility easement restricts the property from establishing a forest conservation easement within the environmental features and in compliance with the size and width requirements of the Forest Conservation Manual.

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 presence of a public utility easement within the environmental area, restricts the owner's ability to retain or plant forest resources within the easement.

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; and

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.

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

The applicant has negotiations with a private mitigation bank to purchase credits for this development. The mitigation bank is within the same 12-digit watershed (SDP-20-052 Keywaydin).

Directors Action: Approval of alternative compliance of Section 16.1209(b)(1) is subject to the following conditions:

1. Credits from an established forest mitigation bank must be acquired for the minimum amount required to fulfill the forest conservation requirement for SDP-23-032.
2. A redline revision to the forest mitigation bank must be completed prior to the signature approval of SDP-23-032.
3. Add a general note to SDP-23-032 with this alternative compliance request, file number, date of approval, and conditions of approval.

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 Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No. **WP-24-095**
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 8532 Baltimore National Pike
Subdivision Name/Property Identification: Auto Spa Express, Ellicott City - SDP-23-032
Location of property: 8532 Baltimore National Pike
Existing Use: Automobile Service Garage and Sales **Proposed Use:** Auto Service Garage, Sales, and Car Wash
Tax Map: 18 **Grid:** 19 **Parcel No:** 158 **Election District:** 2nd
Zoning District: B-2 **Total site area:** Lease Area (Car Wash) 1.41 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-10-072, SDP-10-061, ECP-22-063

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 |
|-----------------------|---|
| 16.1209(b)(1) | Requesting approval for an alternative compliance method to satisfy the site design requirements for this project. The proposed method involves purchasing from an offsite mitigation bank. Your consideration of this request is greatly appreciated. + |
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| | |

Signature of Property Owner: [Redacted] **Date:** [Redacted]

Signature of Petitioner Preparer: [Redacted] **Date:** 4/16/2024

Name of Property Owner: G&B Real Estate Holdings **Name of Petition Preparer:** WLR Investment Group

Address: 1151 Fox River Drive **Address:** 1313 Orchard Way

City, State, Zip: Ellicott City, MD 21042 **City, State, Zip:** Frederick, MD 21703

E-Mail: [Redacted] **E-Mail:** cbohn@wrlinvestmentgroup.com

Phone No.: [Redacted] **Phone No.:** 301-668-0021

Contact Person: [Redacted] **Contact Person:** Chad Bohn

Owner's Authorization Attached

June 24, 2022

Re: Auto Spa Express - Ellicott City
8528 Baltimore National Pike
Ellicott City, MD 21043
Map 18, Grid 19, Parcel 158

To Whom It May Concern:

Please be advised that WLR Automotive Group, Inc. will be leasing a portion of the above-referenced property located at 8528 Baltimore National Pike (Map 18, Grid 19, Parcel 158). As part of the agreement, WLR Automotive Group, Inc. has been granted permission to submit and obtain approval of any and all applications for the future development of the property such as Environmental Concept Plans, Site Development Plans, alternative compliances as well as any other applications for permits, waivers or variances to any Federal, State and local jurisdictions or other organizations that WLR Automotive Group, Inc. deems appropriate in order to achieve plan approvals.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,



G&B Real Estate Holdings, Inc.

Department of **Planning & Zoning**

HOWARD COUNTY MARYLAND GOVERNMENT
3430 Court House Drive, Ellicott City, Maryland 21043 410-313-2350

www.howardcountymd.gov

FAX: 410-313-3467

TDD: 410-313-2323

Certification of Applicant

Advisory Comment – In accordance with Section 16.1103 of Subtitle 11, "Adequate Public Facilities Ordinance" (APFO), all residential subdivisions or site development plans (if subdivision is not required) are required to pass the tests for adequate public school facilities as a condition of approval, except those listed as exemptions under Section 16.1107.

I hereby certify that the information supplied herewith is correct and complete and authorize such periodic on-site inspections by the Department of Planning and Zoning and the Subdivision Review Committee agencies as may be necessary to review this application and any waiver petitions filed in connection herewith and to enforce the Subdivision Regulations and other applicable laws. This right-of-entry shall continue until all administrative appeals pertaining to the property have been exhausted. ***If the applicant is the owner's agent, written documentation from the property owner granting that authority is required.**

 Behrang Doroudian 7/6/2022
(Signature of Property Owner/Agent)* (Print Name of Owner/Agent) (Date)

Brian.L.nationalmotors@gmail.com
(Property Owner's Email Address)

8528 Baltimore National Pike Md 21043
(Property Owner's Address) (State and Zip Code)

410-465-0528
(Property Owner's Fax Number)*