



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 3, 2024

Mr. Tim Burkard
tim@burkardhomes.com
Burkard Homes, LLC
612 Third Street, Suite 4C
Annapolis, MD 21403

Dear Mr. Burkard:

RE: WP-24-096, Isla's Woods, Lots 4, 5 and 6
Reconsideration Request

This letter is to inform you that your request for reconsideration of the 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 enclosed comments have been addressed, and the following additional information is provided.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments should be submitted to this Division for distribution.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before August 17, 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 Brenda Luber at (410) 313-4343 or email at BLuber@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

Attachment

cc: Research
DLD - Julia Sauer
Real Estate Services
M/B and Associates



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 11, 2024

Mr. Tim Burkard
tim@burkardhomes.com
Burkard Homes, LLC
612 Third Street, Suite 4C
Annapolis, MD 21403

Dear Mr. Burkard:

RE: WP-24-096, Isla's Woods, Lots 4, 5 and 6

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 June 9, 2024 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **denied** your request for alternative compliance with respect to **Section 16.120(b)(4)(iii)(c)** of the Subdivision and Land Development Regulations which states for R-20 infill subdivisions that are restricted in using optional lot sizes under subsection 16.121(a) of this subtitle, steep slopes, floodplains, wetlands, wetlands buffers, streams and stream buffers, may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project not more than 10 feet beyond the building envelope. The construction of the single-family homes must comply with the 35' environmental setback.

The Department of Planning and Zoning finds that strict enforcement of Section **16.120(b)(4)(iii)(c)** would not result in an unreasonable hardship or practical difficulty. The following factors were considered in making this determination:

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

The applicant has requested the County to provide relief from the above referenced code section to allow for an encroachment into the 35' environmental buffer to accommodate the construction of larger homes on Lots 4, 5 and 6. The County approved the ECP, recorded the plat, signed the associated final plan, and signed the site development plan for these lots. These approved plans were proposed by the development team and demonstrated that what they determined to be reasonable sized homes could be constructed on these lots without encroaching into the environmental buffer. The applicant has stated strict conformance with the requirements will now deprive their ability to build reasonably sized homes that are more compatible with Lots 1-3 of this subdivision and the adjoining Cherrytree View community. The applicant submitted plans to the County with specific house models to be constructed on Lots 4, 5 and 6, along with those to be constructed on Lots 1-3. During this approval process, the applicant did not present a compatibility concern, but rather provided several model footprints which would be offered to a potential buyer. Furthermore, the 35-foot required setback must accommodate the required stormwater management devices and the future owners' space for typical outdoor structures like decks and storage sheds and open yard space, commonly expected on residential lots. This area is needed to avoid future encroachment into the environmental features with

these common outdoor uses. Future owner of these lots would expect the ability to use a reasonable portion of their backyard which, in this case, would be significantly limited should the alternative compliance be approved.

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 site has environmental features and buffers along the rear of the lots. However, during the various subdivision and land development processes (ECP, Final Plan and SDP phases), the applicant demonstrated that a reasonable sized home and associated SWM could be accommodate on these lots with no impacts to the required environmental buffer. DPZ finds that there is no hardship as these conditions were created by design which was chosen to divide the single parcel into 6 lots.

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

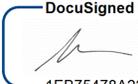
The Subdivision and Land Development Regulations only permit floodplains, wetlands, streams, and their buffers on the individual lots if the lots are 10 acres or greater in size, or in R-20 infill subdivisions that are restricted from using optional lots sizes as long as the building envelope is no closer than 35 feet from the environmental features. These properties are zoned R-20. The applicant has demonstrated through previous plan approvals that reasonable sized homes could be constructed without impacting the environmental buffer. Allowing relief from this section of code will provide the applicant a special privilege that would typically be denied to other applicants who meet the regulation exception to allow environmental features on lots less than 10acres and abide by the required setback condition in the Zoning Regulations.

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

DPZ finds there is no evidence that this modification would be detrimental to public health, safety, or welfare, or injurious to other properties in the immediate area. However, if approved, this action would be inconsistent with the requirements to create usable outdoor space for the future residents and with the requirements as applied to other R-20 zoned properties. With limited space available on their lots to do this, there would be significant pressure to hold the environmental boundary line within such proximity to the homes and avoid clearing for private use. Intrusion into designated environmental areas would be detrimental to the feature the regulations are designed to protect. As stated above, applicant has also previously demonstrated a reasonably sized home could be constructed on Lots 4, 5 and 6 without impacting the environmental area setback.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

cc: Research
DLD - Julia Sauer
Real Estate Services
M/B and Associates



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: ISLA'S WOODS

Subdivision Name/Property Identification: ISLA'S WOODS LOTS 1-6

Location of property: AUDREY LANE off of SCAGGSVILLE road

Existing Use: residential **Proposed Use:** residential

Tax Map: 46 **Grid:** 5 **Parcel No:** 263 **Election District:** six

Zoning District: R-20 **Total site area:** 2.15 Ac. (for lots 4, 5 &6)

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:

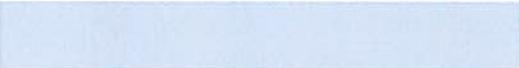
ECP-18-004, F-18-079, WP-19-038, W/S 24-5074-D, SDP-23-044

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
16.120(b)(4)(iii)(c)	REDUCE THE 35' ENVIROMENTAL SETBACK FOR LOTS 4, 5 & 6

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 5/23/24

Signature of Petitioner Preparer:  Date: 

Name of Property Owner: Burkard Homes, LLC Name of Petition Preparer: MILDENBERG, BOENDER AND ASSOC.

Address: 612 Third Street Suite 4C Address: 8318 FORREST ST,

City, State, Zip: Annapolis, MD 21403 City, State, Zip: Ellicott city, MD 21043

E-Mail: tim@burkardhomes.com E-Mail: contact@mba-eng.com

Phone No.: (240) 375-1052 Phone No.: 410-997-0296

Contact Person: Tim Burkard Contact Person: Sam Alomer

Owner's Authorization Attached