



# 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

September 3, 2024

Ganges Laurel, LLC  
5225-A Hickory Park Drive  
Glen Allen, VA 23059  
Contact: Ajay Malpani

RE: WP-24-097 Sunbelt Property- Parcel 'A'

Dear Sir/Madam:

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 August 29, 2024 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations to construct improvements within the stream buffer for a proposed daycare facility. Please see the attached Final Decision Action Report for more information.

On August 23, 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 16.115(c)** of the Subdivision and Land Development Regulations to construct improvements within the 100-year floodplain.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) 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.**

Strict conformance with the requirements would deprive the applicant from being able to redevelop the site. The property contains an existing building and parking lot developed in the late 1960's. Over the past several decades, the floodplain, caused by a culvert's backwater, has expanded to encumber over 90% of the site. There are two perennial streams and associated 50' stream buffers along the north and east sides of the property, which further restricts the redevelopment potential if the regulations are strictly enforced. The proposed daycare facility will improve the site and will help to enhance the Route 1 corridor.

**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 existing site is located almost entirely within the 100-year floodplain and strict adherence to the regulations would prevent any redevelopment of the site. The proposed outdoor play area will be located in the rear of the

site adjacent to the stream in order to maximize the distance from Route 1. The existing parking lot will be reconfigured and over 6,000 square feet of existing pavement will be removed from within the floodplain and stream buffers.

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

The onsite floodplain is caused by a culvert's backwater and the existing building and parking lots were constructed several decades ago within the stream buffers. The proposed redevelopment will reduce the impervious area within the floodplain and stream buffers. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

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

The proposed redevelopment will remove over 6,000 square feet of existing impervious area from within the floodplain and stream buffers. Currently, cars can park within a few feet of the stream bank which results in pollutant runoff directly into the stream. The proposed redevelopment will remove this section of the parking lot and replace it with an outdoor play area.

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

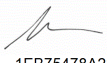
1. Disturbance to the 100-year floodplain and stream bank buffers shall be the minimum necessary to construct the improvements as shown on the alternative compliance plan exhibits. Any disturbance to regulated resources beyond this request will require approval of Alternative Compliance from the Department of Planning & Zoning.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment for disturbances within the 100-year floodplain. The authorization number and date shall be added in a note on the Site Development Plan (SDP-76-094) through the redline revision process. The authorization must remain valid at the time of development.
3. The proposed site improvements, playground equipment and fencing/enclosures are subject to the conditions of Section 16.705- *Requirements and restrictions applicable to the floodplain*, Section 16.706- *Permits* and Title 3- Section 3114- *Floodplain*. The playground equipment should be constructed for a flood event. The proposed dumpster enclosure should allow water to flow through or to be released. Details shall be added to the Site Development Plan (SDP-76-094).
4. All excess fill, spoil material, debris and construction material shall be stored in a location that will not impact site drainage within the 100-year floodplain.
5. All disturbed areas shall be stabilized and seeded or planted with native vegetation immediately after construction is complete, in accordance with the erosion and sediment control plans.
6. The applicant shall comply with all grading and building permit requirements from the Department of Inspections, Licenses and Permits and the Howard Soil Conservation District.
7. Provide a note on the Site Development Plan (SDP-76-094) referencing this alternative compliance request and conditions of approval.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, 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 Eric Buschman at (410) 313-0729 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:  


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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/eb

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
GLW



# 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 PUBLIC WORKS  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-24-097 Sunbelt Property- Parcel 'A'**  
*Request for an alternative compliance to Section 16.116(a)(2)(iv) of the Subdivision and Land Development Regulations.*

**Applicant:** Ganges Laurel, LLC  
5225-A Hickory Park Drive  
Glen Allen, VA 23059  
Contact: Ajay Malpani

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)(iv)** of the Subdivision and Land Development Regulations. The purpose is to construct improvements within the stream buffer for a proposed daycare facility. The Directors deliberated the application in a meeting on August 29, 2024.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

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

Strict conformance with the requirements would deprive the applicant from being able to redevelop the site. The property contains an existing building and parking lot developed in the late 1960's. Over the past several decades, the floodplain, caused by a culvert's backwater, has expanded to encumber over 90% of the site. There are two perennial streams and associated 50' stream buffers along the north and east sides of the property, which further restricts the redevelopment potential if the regulations are strictly enforced. The proposed daycare facility will improve the site and will help to enhance the Route 1 corridor.

**2. The 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 existing site is located almost entirely within the 100-year floodplain and strict adherence to the regulations would prevent any redevelopment of the site. The proposed outdoor play area will be located in the rear of the site adjacent to the stream in order to maximize the distance from Route 1. The existing parking lot will be

reconfigured and over 6,000 square feet of existing pavement will be removed from within the floodplain and stream buffers.

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

The onsite floodplain is caused by a culvert's backwater and the existing building and parking lots were constructed several decades ago within the stream buffers. The proposed redevelopment will reduce the impervious area within the floodplain and stream buffers. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

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

The proposed redevelopment will remove over 6,000 square feet of existing impervious area from within the floodplain and stream buffers. Currently, cars can park within a few feet of the stream bank which results in pollutant runoff directly into the stream. The proposed redevelopment will remove this section of the parking lot and replace it with an outdoor play area.

**5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**

The disturbance is proposed within a previously developed portion of the site. Over 6,000 square feet of existing impervious area will be removed from within the floodplain and stream buffers.

**6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**

No adverse impacts are anticipated since existing impervious areas will be removed from within the floodplain and stream buffers.

**7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.**

The limit of disturbance will be located within a previously developed area of the site. The proposed grading within the stream buffer consists mostly of removing pavement to construct an outdoor play area, slightly regrading an existing grass area to make it more suitable for outdoor play and installing a fence surrounding the play area. The proposed disturbance is the minimum necessary to accommodate these improvements.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2)(iv) is subject to the following conditions:

1. Disturbance to the 100-year floodplain and stream bank buffers shall be the minimum necessary to construct the improvements as shown on the alternative compliance plan exhibits. Any disturbance to regulated resources beyond this request will require approval of Alternative Compliance from the Department of Planning & Zoning.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment for disturbances within the 100-year floodplain. The authorization number and date shall be added in a note on the Site Development Plan (SDP-76-094) through the redline revision process. The authorization must remain valid at the time of development.
3. The proposed site improvements, playground equipment and fencing/enclosures are subject to the conditions of Section 16.705- *Requirements and restrictions applicable to the floodplain*, Section 16.706- *Permits* and Title 3- Section 3114- *Floodplain*. The playground equipment should be constructed for a flood event. The proposed dumpster enclosure should allow water to flow through or to be released. Details shall be added to the Site Development Plan (SDP-76-094).

4. All excess fill, spoil material, debris and construction material shall be stored in a location that will not impact site drainage within the 100-year floodplain.
5. All disturbed areas shall be stabilized and seeded or planted with native vegetation immediately after construction is complete, in accordance with the erosion and sediment control plans.
6. The applicant shall comply with all grading and building permit requirements from the Department of Inspections, Licenses and Permits and the Howard Soil Conservation District.
7. Provide a note on the Site Development Plan (SDP-76-094) referencing this alternative compliance request and conditions of approval.

DocuSigned by:

*Lynda Eisenberg*

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Lynda Eisenberg, AICP, Director  
Department of Planning and Zoning

Signed by:

*Yosef Kebede*

B4217725E8EC47C...

Yosef Kebede, Director  
Department of Public Works

DocuSigned by:

*Timothy Lattimer*

AEB60003A8F04A0...

Timothy Lattimer, Administrator  
Office of Community Sustainability

cc: Research  
OCS  
DPW



# 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

Ganges Laurel, LLC  
5225-A Hickory Park Drive  
Glen Allen, VA 23059  
Attn: Ajay Malpani

RE: WP-24-097 TLE- Laurel

Dear Sir/Madam:

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 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 July 19, 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](mailto: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 Eric Buschman at (410) 313-0729 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:  


1EB75478A22B49A  
Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/eb

Attachments: DLD comments, DED comments, DPW- SWMD comments

cc: Research  
DLD - Julia Sauer





## ALTERNATIVE COMPLIANCE APPLICATION

**Site Description:** TLE Laurel

**Subdivision Name/Property Identification:** Sunbelt Property- Parcel A

**Location of property:** 9705 WASHINGTON BLVD

**Existing Use:** School      **Proposed Use:** Daycare

**Tax Map:** 47      **Grid:** 23      **Parcel No:** 542      **Election District:** 6

**Zoning District:** CE-CLI      **Total site area:** 1.5

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:

SDP-76-094 redline submitted concurrently with this request.

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 16.115.(c)(2)	Practical difficulties and unnecessary hardships result from the strict application of Section 16.115(c)(2). The Applicant is requesting Alternative Compliance to permit grading and other construction within the floodplain.
Section 16.116.(a)(2)(iv) -	Practical difficulties and unnecessary hardships result from the strict application of 6.116.(a)(2)(iv). The Applicant is requesting Alternative Compliance to permit grading and other construction within the stream buffer.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: Ajay Malpani Date: 04/16/2024

Signature of Petitioner Preparer: [Signature] Date: 4/16/24

Name of Property Owner: GANGES LAUREL LLC Name of Petition Preparer: GLW

Address: 5225 – A Hickory Park Dr Address: 3909 National Drive, Suite 250

City, State, Zip: Glen Allen VA 23059 City, State, Zip: Burtonsville, MD 20866

E-Mail: ajay@gangesusa.com E-Mail: dsweeney@glwpa.com

Phone No.: 832 651 6443 Phone No.: 410-880-1820

Contact Person: Ajay Malpani Contact Person: Dan Sweeney

Owner's Authorization Attached