



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

August 12, 2024

Mr. Danny Andrews
8340 Old Columbia, LLC
7730 W. Shore Road
Pasadena, MD 21122

Dear Mr. Andrews:

RE: WP-24-106, Reservoir Hills - Corrected

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 1, 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 three (3) specimen trees. Please see the attached Final Decision Action Report for more information.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.120(b)(4)(iii)(b) 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 OR one (1) item] 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 is 16.02 acres and is being subdivided, using the cluster subdivision requirements, into six cluster lots and one buildable preservation parcel. Buildable Preservation Parcel A is 8.53 acres. The Subdivision and Land Development Regulations restrict lots less than 10 acres from being encumbered with environmentally sensitive features. The existing home will be removed, and a new home will be constructed closer to the shared driveway and located approximately 290' from the edge of the forest conservation easement. The forest conservation easement will encompass the stream, wetlands, their associated buffers and 14 specimen trees. The applicant believes the size and configuration of Buildable Preservation Parcel 'A' and the location of the new house will provide the homeowner more than adequate useable rear yard. The applicant suggests there are other projects which have received approval to allow environmental features on lots less than 10 acres in size, and approval of the alternative compliance will not deprive the applicant of rights commonly enjoyed by others.

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 property is bisected by a stream and is further constrained by a storm drain easement and outfall along the north edge of the property. The location and design of the septic area for the subject parcel is a result of the adjacent sewage disposal area (north – St. Francis of Assisi parcel), drainage swale and acceptable well location. Given the location of the septic area and well box, the creation of a one-acre cluster lot is not achievable as the lot would exceed the maximum lot size. If this request were denied, the buildable preservation parcel would be smaller than the proposed 8.53-acre parcel and the parcel would be irregular in shape. Allowing the environmental features

as part of the buildable preservation parcel will hold the property owner responsible for ensuring that these sensitive areas are preserved in perpetuity as opposed to placing this responsibility on the HOA.

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

The variance, if granted, would allow the forest conservation easement, wetland, stream, and buffers to exist on the buildable preservation parcel. The design of the parcel, location of environmental features and proposed house location will promote the protection of the resources. With the property owner residing on site, he will be held responsible to ensure the environmental areas will be protected in perpetuity and will not confer to him 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.

There is no evidence that the request will be detrimental to the public health, safety or welfare, or injurious to other properties. The applicant believes the inclusion of the environmental resources on the buildable parcel will provide better protection and oversight and that the property owner will be more proactive in maintaining the resources than a third party.


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

1. The forest conservation signs must be posted prior to the issuance of the grading permit. The construction sequence notes on the final road construction drawings must reflect the posting of the forest conservation signage prior to the issuance of the grading permit.
2. Three Specimen Trees to be removed, SP-1, SP-4 and SP-21, shall be mitigated with the planting of 6 native trees with a DBH of 3". These trees will be bonded as part of the landscaping surety at the final plan phase. The removal of any other specimen tree on the development plan is not permitted under this approval.
3. A 35' environmental setback shall be established from the boundary of the floodplain, wetlands, streams, their buffers, steep slopes, and forest conservation easements. No principal structure may be permitted within the environmental setback, except that a deck may project ten feet beyond the building envelope. All development plans and permits must delineate the environmental features and the required 35' environmental setback.

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 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 Brenda Lubert at (410) 313-4343 or email at BLubert@howardcountymd.gov.

Sincerely,

DocuSigned by:


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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/bl

Enclosure

cc: Research
DLD - Julia Sauer
Real Estate Services
Vogel Engineering + Timmons Group
DNR – fca.dnr@maryland.gov



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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-24-106 Reservoir Hills**
Request for a variance to Section 16.1205(a)(3) of the Howard County Code.

Applicant: Daniel Andrews

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Acting 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 three of the 21 specimen trees located on-site. The Directors deliberated the application in a meeting on August 1, 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 16.02 acres and is being subdivided, using the cluster subdivision requirements, into six cluster lots and one buildable preservation parcel. The property has been approved for well and septic based on extensive testing and the establishment of sewage disposal areas. The establishment of the well and septic locations are constrained by the existing systems on adjacent properties, the previously established drainage easement, percolation testing results and the desire to cluster homes on 1-acre lots.

There are 21 specimen trees located on the property which vary from good to poor condition. There are three specimen trees which are proposed to be removed (#1, #4 and #21). All three trees are in poor condition. These trees are near the proposed house located on the Buildable Preservation Parcel. The house is sited to provide reasonable access to the use-in-common driveway and to limit the disturbed area and maximize the undeveloped area of the preservation parcel. The three trees are currently in poor health and the proposed disturbance will result in their ultimate structural failure.

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

The applicant suggests other properties or projects containing trees in poor condition have been granted approval for removal because the trees are unhealthy and could become hazardous and result in property damage to

houses or individuals. The applicant believes regardless of the proposed development, the three specimen trees should be removed based on their current health condition.

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 the water quality. The removal of the three specimen trees will accommodate the construction of a micro bioretention facility and a full bioretention facility. Additionally, the removal of the three specimen trees will be mitigated with the planting of six native shade trees, further enhancing water quality. The proposed stormwater management facilities will encourage the infiltration of runoff and enhance water quality. Stormwater management and soil erosion and sediment control 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;

Approval of the variance will allow the applicant to develop the site with the density permitted by the Regulations. Over 3.8 acres will be placed in a permanent forest conservation easement protecting the wetland, stream system and wooded resources. Eighteen of the twenty-one specimen trees will be retained. Therefore, the granting of the requested Alternative Compliance does not provide the petitioner 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 petitioner/property owner did not create the parcel shape and is not responsible for the condition of the three trees.

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 Reservoir Hills project, SP-24-002, has a base density of 3 units and is proposing to import 4 units using the DEO overlay which brings the total density of the site to 7 units. Specimen Tree #4 and #21 are impacted by the relocated new home to be constructed on the preservation parcel and the associated access/utility easement. Specimen tree #1 is impacted by the new SWM utility and access easements for the development. The three specimen trees proposed for removal include two mulberry trees (30" and 31.5" DBH) and a black walnut (35" DBH), all in poor condition. Combining the preservation parcel with Lot 3 to create one unit on a larger lot and modifying the proposed easement design would reduce the overall density to 6 units and eliminate the Specimen Tree waiver but that request should be balanced by the Directors against the health of the trees it would save. The three existing specimen trees will be replaced with six native shade trees which should remain healthy and will be of more value to the environment in the long term.

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

1. Three specimen trees to be removed, SP-1, SP-4 and SP-21, shall be mitigated with the planting of 6 native trees with a DBH of 3". These trees will be bonded as part of the landscaping surety at the final plan phase. The removal of any other specimen tree on the development plan is not permitted under this approval.

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Bryan Moody

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Bryan Moody, Acting 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



DPZ Office Use only: File No. Date Filed
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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Reservoir Hills Lots 1-6

Subdivision Name/Property Identification: 8340 Old Columbia Road

Location of property: 8340 Old Columbia Road, Laurel, MD 20723

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

Tax Map: 46 **Grid:** 3 **Parcel No:** 332 **Election District:** 5th District

Zoning District: RR-DEO **Total site area:** 16.02 Acres

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:

SP-24-022
 F-24-023
 ECP-22-045

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)b	Allow environmental features on Preservation Parcel 'A' (Lots or buildable preservation parcels less than 10 acres)
16.1205(a)(3)	Specimen Trees

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Daniel Andrews* Date: 5/21/24

Signature of Petitioner Preparer: *[Signature]* Date: 5/21/24

Name of Property Owner: Danny Andrews Name of Petition Preparer: Vogel Engineering + Timmons Group

Address: 7730 W. Shore Road Address: 3300 North Ridge Road - Suite 110

City, State, Zip: Pasadena MD 21122 City, State, Zip: Ellicott City, Maryland 21043

E-Mail: danny@andrewspumping.com E-Mail: rob.vogel@timmons.com

Phone No.: 410-799-4100 Phone No.: 410-461-7666

Contact Person: Danny Andrews Contact Person: Robert H. Vogel

Owner's Authorization Attached