

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: March 29, 2017

DPZ File No. WP-17-103

Department of Planning and Zoning

- 1 Transportation Planning
1 Resource Conservation (Historic/Ag Pres)
Public Service and Zoning Administration
1 Research
Address Coordinator

- 1 Comprehensive & Community Planning
2 Development Engineering Division
Other
1 File

Agencies

- 1 Soil Conservation District
1 Department of Inspections, Licenses & Permits
1 Department of Fire and Rescue Services
5 State Highway Administration
1 Health Department
1 Public School System
1 Recreation and Parks
WSSC (Non-Residential Only)
MD Aviation Administration

- Tax Assessment
Verizon
BGE
Cable TV
Police
MTA
Finance
1 DPW, Real Estate Services
DPW, Construction and Inspection
DPW, Bureau of Utilities

RE: Bowen Property

ENCLOSED FOR YOUR Signature Approval [] Review & Comments [x] Files []

THE ENCLOSED Original [] Pre-Packaged Plan Set [x]

Table with 2 columns: Plans, # of Plans. Lists various plan types like Sketch Plan, Prel Equiv Sketch Plan, etc.

Table with 1 column: Supplemental Documents. Lists documents like Wetlands Report, Soils/Topo Map/Drain Area Map, etc.

Table with 2 columns: Applications, # of Plans. Lists applications like Alternative Compliance Application, Planning Board Application, etc.

WAS: [x] Received [] Tentatively Approved [] Recorded
[] Received and Revised [] Approved On March 29, 2017

COMMENTS: Due- 17 Working Days: 4/24/17

Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

DPZ STAFF INITIALS: JS

**Howard County Department of Planning and Zoning
Division of Land Development**

ALTERNATIVE COMPLIANCE APPLICATION

[Alternative Compliance from Subdivision and Land Development Regulations]

Date Submitted/Accepted 3/29/17 DPZ File Number WP-17-103

I. Site Description

Subdivision Name/Property Identification: Bowen Property

Location of property: 13785 Clarksville pike Highland MD. 20777
(Street Address and/or Road Name)

Vacant Property
(Existing Use)

SFD
(Proposed Use)

40
(Tax Map No.)

16
(Grid/Block No.)

109
(Parcel No.)

5th
(Election District)

RR
(Zoning District)

11.25[±] AC
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.)
processing a plot plan and ECP to allow for construction of a SFD and associated driveway. Simplified ECP is in processing. Grading plan (GP-17-40) is approved.

II. Alternative Compliance Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

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 regulation. Attach a separate sheet if additional information is appropriate.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.1205(a)</u>	<u>Protection of Specimen Trees</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

III. *Justification*

All alternative compliance requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interests.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE ALTERNATIVE COMPLIANCE REQUESTS.

IV. *Pre-Submission Meeting Requirements*

- a. Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for alternative compliance of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**
- b. HPC Meeting Requirement** - A pre-submission advisory meeting with the Historic Preservation Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HPC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HPC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**
- c. MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or alternative compliance approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or alternative compliance application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. **Plan Exhibit**

A. **Number of Copies Required**

The alternative compliance application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed alternative compliance application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road.**)

In instances where the alternative compliance request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at <https://howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development>.

B. **Plan Requirement Checklist**

The detailed alternative compliance exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the alternative compliance request to ensure acceptance of the alternative compliance application for processing.

Legend:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input type="checkbox"/> Not Applicable	
	<input type="checkbox"/> NA	

- 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- 3. North arrow and scale of plan.
- 4. Location, extent, boundary lines and area of any proposed lots.
- 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- 6. Delineation of building setback lines.
- 7. Delineation of all existing public road and/or proposed street systems.
- 8. Identification and location of all easements.
- 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or

- provide a professional certification that environmental features do not exist on the property.
- N/A 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
11. Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed; for alternative compliance to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- N/A 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
13. The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- N/A 14. Submit 2 sets of photographs for all existing on-site structures.
15. Identify the location of any existing wells and/or private septic systems.

N/A 16. **Route 1 Manual**
 Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A 17. **Route 40 Design Manual**
 Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

N/A 19. Please complete the following:

A pre-submission meeting was held with DPZ on _____ with
 [date]
 _____, if applicable.
 [DPZ, Director, DLD Division Chief or other SRC representatives]


VI. Fees

The Alternative Compliance application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application** and could cause additional time to be required to revise the application for resubmittal and re-review. For more information or questions, contact DPZ at (410) 313-2350.

VII. Owner's/Petitioner's Certification

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to provide an alternative compliance request of the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached *



 (Signature of Property Owner)
 (Fee Simple Owner Only)

3/28/17

 (Date)

 (Signature of Petition Preparer) * (Date)

Andrew and Coleen Bowen

 (Name of Property Owner)

Benchmark Engineering Inc.

 (Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

10700 Home Acres Terrace

 (Address)

8480 Belt. Not. Pike, Suite 315

 Address)

Beltsville, MD. 20705

 (City, State, Zip Code)

Ellicott city, MD. 21043

 (City, State, Zip Code)

E-Mail _____

E-Mail bei@bei-civilengineering.com

301-237-9475

 (Telephone) (Fax)

410-465-6105 410-465-6644

 (Telephone) (Fax)

Contact Person: Andrew Bowen

Contact Person: Chris Malagari

**Howard County Department of Planning and Zoning
Division of Land Development**

**INITIAL SUBMISSION
ALTERNATIVE COMPLIANCE WORKSHEET
(For DPZ Use Only)**

Project Name Bowen Property DPZ File No. _____
 DPZ Plan Reviewer _____ Submission Date _____
 Plan Consultant Representative _____ Time _____

- I. Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
 - b. Required number of plans and applications are provided..... _____
 ___ Plans (15 sets on County Road or
 ___ Applications (19 sets on State Road)
 - c. Supplemental Information is provided _____
 - d. Certification of pre-submission community meeting and summary of community comments with dated responses to all meeting attendees within 60 days is provided and three week notice given to DPZ and County Council, if applicable N/A
 - e. Certification of pre-submission HPC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory N/A
 - f. Photographs of existing structures (for Historic Preservation Review) N/A
 - g. MAA Approval Letter (if applicable) N/A
 - h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic) N/A
 - i. DAP project design recommendation for Route 1/Route 40 projects N/A

- II. Fee Computation** **Fee**
- Number of alternative compliance sections requested _____
 - * Base Fee for first two alternative compliance sections (**\$450**)..... _____
 - Fee for each additional alternative compliance section (___ additional alternative compliances x **\$50** each) _____
- _____
- * (Maximum fee of **\$350** for Agricultural Preservation parcels)

TOTAL _____

III. Certification

Cash Receipt No. _____ Amount _____
SAP Acct 100000000-3000-3000000000-PWPW000000000000-432530

Check issued by _____

___ Alternative Compliance application is accepted for processing.

___ Scheduled SRC meeting date.

___ Alternative Compliance application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____

Section to be Waived:

Section 16.1205(a) – Protection of Specimen Trees

Extraordinary hardship and practical difficulties which may result from strict compliance with the Regulations:

- a) The construction of the driveway to serve Parcel 109 will require the removal of five (5) specimen trees on the property. While it is understood that retention of specimen trees is a goal of the Forest Conservation Act, some practical difficulties exist which precludes the reasonable retention of these resource.

There are many large trees within the vicinity of the proposed driveway and outside of the limit of disturbance but there are only 5 specimen trees that will be affected by the proposed driveway alignment. The proposed driveway alignment was chosen to avoid as many trees as possible while still maintaining an alignment that could be properly maneuvered, graded and swales installed to convey the water runoff. A Declaration of Intent for clearing less than 20,000 sf of forest resources will be submitted during building permit processing.

Specimen tree #8 as shown on the enclosed plan has recently been damaged by a fire that resulted from a fallen poplar tree across a power line in the nearby woods. The owner indicated that the Fire Department recommended that this tree be removed since it was damaged by the fire and will likely not survive. The other four (4) specimen trees (St #1, 2, 4 and 5) need to be removed because of the construction of a driveway and associated driveway grading. All 5 of these specimen trees are poplar trees. Poplar trees are known for falling over in high wind storms and this is what happened recently that caused the forest fire that occurred on the property.

The practical difficulty arises due to the location of these trees and the lack of flexibility available in the site layout due to other constraining land features. An attempt was made to avoid specimen trees 1,2 4 and 5 but the practicality of going around these trees would have disturbed more forest resources and the grading associated with this would have disturbed the roots of the specimen trees canopy and additional surrounding tree root canopy. Therefore, we chose a more direct route to limit the disturbance.

Parcel 109 which is the property that the single-family house is being built on has challenging terrain across its entire road frontage. The existing 15-20% slopes and swales caused the access to Parcel 109 undesirable for the construction of the driveway, not to mention the amount of disturbance needed to traverse the hillside. Therefore, the owner chose to use the existing 60-foot access easement on the adjacent Parcel 110 that allows for access to Parcel 109. By using this access easement, the proposed driveway not only access off the existing driveway but it allows construction and grading with a lesser impact to existing slopes and swales. The retention of the specimen trees could not be accomplished without disturbing more trees and slopes/swales and restricting the proposed and intended use of the site. In designing the driveway, the retention of the specimen trees was given priority consideration. Their locations however are such that retention of the trees

is not possible. Conflicts due to storm water management, maintaining reasonable driveway slopes, providing adequate drainage swales along the driveway and associated driveway grading all combine to direct the placement of the driveway in a location that best fits the terrain. These are the primary site constraint that creates the practical difficulty for retention of the specimen trees. While all of the site constraints and development requirements combine to eliminate the possibility for retaining the specimen trees, the forest to be retained does contain additional specimen trees and it is likely that the adjacent forest contains numerous specimen and near specimen sized trees that will adequately address this functional feature of a diverse forest community. As such, the required retention of the specimen trees would create an extraordinary hardship for the applicant due to the fact that the retention would require additional driveway and tree removal that could exceed the 20,000-sf forest disturbance and create the need for recordation of a forest conservation easement and required plan processing. The owners goal is to limit the impact of the forest resource while maintaining a safe and reasonable driveway access to the site.

The intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal:

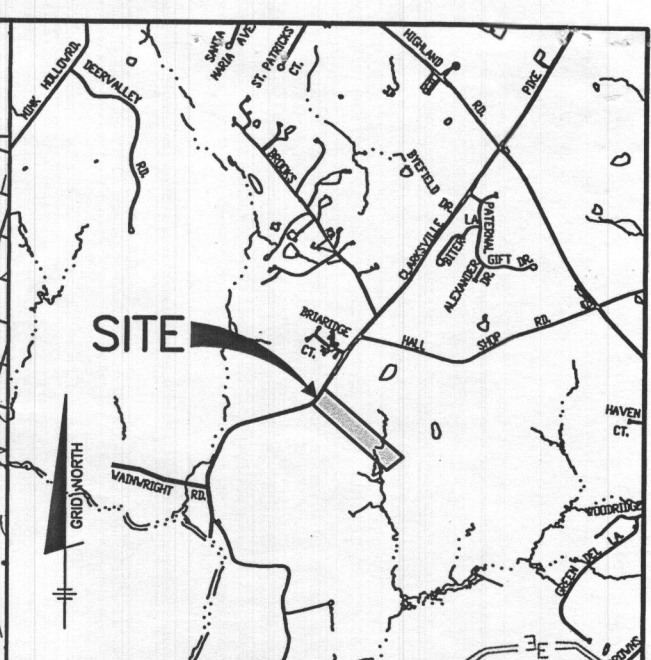
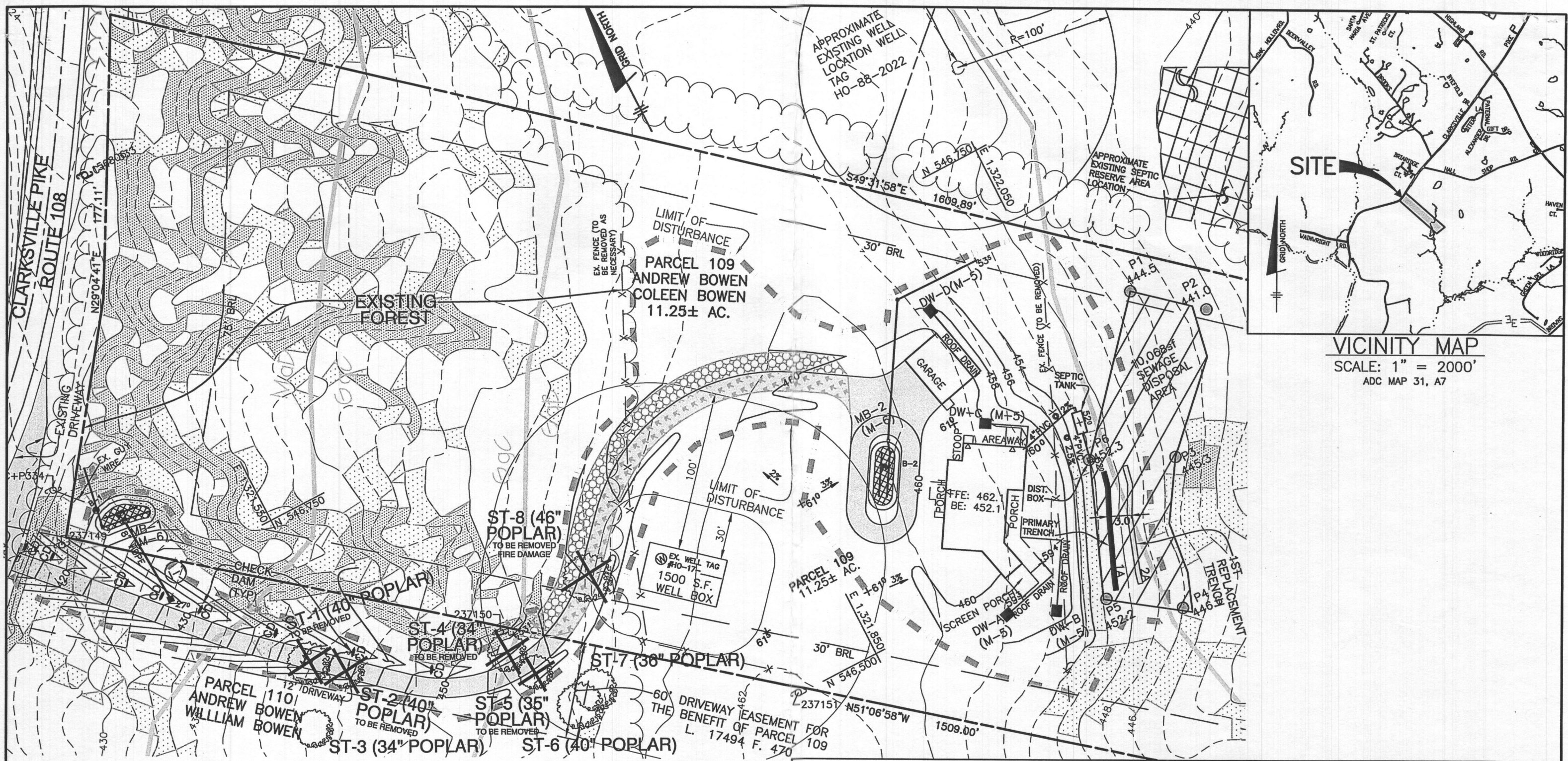
- b) The intent of the Forest Conservation Act is to direct development to protect priority forest while allowing reasonable development of a property. The project meets/exceeds this intent by proposing to retain the forest with the highest retention priority within the property and steep slopes, and by proposing a development plan that is in keeping with the overall County Master Plan initiatives.

Approval of the alternative compliance will not be detrimental to the public interests:

- c) The approval of the waiver will not have any detrimental impact to the public interest. Since the specimen trees occur within the wooded area, they do not have an individual exposure that creates an aesthetic value. As such their removal will not be notable to the public since the entire property frontage has not been disturbed.

Approval of the alternative compliance will not nullify the intent of the Regulations:

- d) The approval of the waiver will not nullify the intent of the Regulations because the regulations as written allow for the removal of specimen trees with County approval. The intent of the Regulations, as it relates to retaining specimen trees, is that these trees should be retained unless their retention is not practicable within the context of the site development. Given the limitations of the site and the locations of the trees, it is clear that the retention of the trees would not be practicable and therefore approval of the waiver meets the intent of the waiver process component of the Regulations.



VICINITY MAP
SCALE: 1" = 2000'
ADC MAP 31, A7

LEGEND

- EXISTING CONTOURS
- PARCEL BOUNDARY
- SEPTIC AREA
- SOILS DELINEATION
- SOILS TYPE
- EXISTING TREELINE
- SLOPES 15% TO 19.9%
- SLOPES $\geq 20\%$
- SPECIMEN TREE TO BE REMOVED
- PASSING PERC. TEST
- EX. WELL
- PROPOSED WELL
- SWM SOIL BORING
- PROPOSED MICRO-BIORETENTION
- NON-ROOFTOP DISCONNECTION
- DRY WELL

PLAN VIEW
1" = 60'

OWNER/BUILDER:
ANDREW COLEEN BOWEN
10700 HOME ACRES TERRACE
BELTSVILLE, MD 20705
PHONE: 301-237-9475

BENCHMARK
ENGINEERS ▲ LAND SURVEYORS ▲ PLANNERS

ENGINEERING, INC.
8480 BALTIMORE NATIONAL PIKE ▲ SUITE 315
ELLICOTT CITY, MARYLAND 21043
PHONE: 410-465-6105 ▲ FAX: 410-465-6644
BEI@BEI-CVILENGINEERING.COM

PROJECT: SPECIMEN TREE ALTERNATIVE COMPLIANCE EXHIBIT BOWEN PROPERTY

LOCATION: TAX MAP 40, GRID 16, PARCEL 109
5th ELECTION DISTRICT
SE ROUTE 108, HIGHLAND
HOWARD COUNTY, MARYLAND 20777
TAX ACOUNT I.D. #367425

DATE:	MARCH 24, 2017	PROJECT NO.	2754
SCALE:	1" = 50'	DRAWING	1 OF 1