

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: April 25, 2019

DPZ File No. WP-19-095

Department of Planning and Zoning

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

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

See: WP-17-044

Agencies

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

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

RE: AJ Gill Property

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

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

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 April 25, 2019

COMMENTS: _____ Due- 17 Working Days: 05/20/19

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

DPZ STAFF INITIALS:

**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 4/25/19 DPZ File Number UP-19-095

I. Site Description

Subdivision Name/Property Identification: AJ Gill Property
 Location of property: 504us Hopkins Road East of Pindel School
(Street Address and/or Road Name)

<u>Woods</u> <small>(Existing Use)</small>	<u>SFD</u> <small>(Proposed Use)</small>
<u>41</u> <small>(Tax Map No.)</small>	<u>09</u> <small>(Grid/Block No.)</small>
<u>RR-DEO</u> <small>(Zoning District)</small>	<u>0259</u> <small>(Parcel No.)</small>
	<u>5th</u> <small>(Election District)</small>
	<u>7.81</u> <small>(Total Site Area)</small>

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.)

Property is not part of a subdivision. HRP-17-044 and ECP-17-063 were previously approved. Owner intends to construct the eastern house at this time and then subdivide into two lots. Percolation Certification was signed 10/24/14.

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>16.120(b)(4)(iii)</u>	<u>Lot Layout, useable design</u>
2. <u>16.1205(a)</u>	<u>Protection of specimen trees</u>
3. <u>16.116(a)(1)(b)(3)</u>	<u>Protection of Wetland Buffer and placement on preservation Parcel.</u>
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"/> NA Not Applicable	

- 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).
- ✓ 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.

Howard County Department of Planning and Zoning
Division of Land Development

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

Project Name _____ 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 _____
 - e. Certification of pre-submission HPC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory _____
 - f. Photographs of existing structures (for Historic Preservation Review) _____
 - g. MAA Approval Letter (if applicable) _____
 - h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic) _____
 - i. DAP project design recommendation for Route 1/Route 40 projects _____

- 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 1000000000-3000-3000000000-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 _____

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 *

Rajdeep Gull 4/10/19
 (Signature of Property Owner) (Date)
 (Fee Simple Owner Only)

John M. Carey 4/10/19
 (Signature of Petition Preparer) * (Date)

Rajdeep Gull
 (Name of Property Owner)

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

8111 Chapel Manor Ln
 (Address)

8400 Bu Kinore National Pt
 (Address)

Ellicott City MD 21043
 (City, State, Zip Code)

Ellicott City MD 21043
 (City, State, Zip Code)

E-Mail rajdeepgull17@yahoo.com

E-Mail jc@ben-civilengineering.com

443 509 4019
 (Telephone) (Fax)

410 465 0105 6644
 (Telephone) (Fax)

Contact Person: Rajdeep Gull

Contact Person: John Carey

Waiver Petition Justification

Summary of Waiver:

AJ Gill Property at Johns Hopkins Road is a 7.81 acre parcel along Johns Hopkins Road, east of Pindell School Road. The property is an existing parcel and is not part of a previously existing subdivision. The property is Tax Map 41, Parcel 259 and was purchased by Rajdeep Gill on June 28, 2012. The parcel does not yet have an address assigned. The property frontage is provided along Johns Hopkins Road, no other public road frontage exists.

The property is in the RR-DEO district and is 7.81 acres. Per the requirements of Zoning Regulations section 105.0.D.2 this parcel can be divided in accordance with the requirement of non-cluster subdivision requirements of section 105.0.E.

The owner has obtained an approved Percolation Certification Plan from the Bureau of Environmental Health in order to make this parcel buildable. This Certification shows the ability to have two septic areas and two well boxes that fulfill the requirements of the Health Department and Maryland Department of the Environment.

The owner has obtained a Waiver Petition from the Department of Planning and Zoning, WP-17-044, in order to allow specimen tree removal, environmental features on lots less than 10 acres and disturbance to wetland buffer. This Waiver Petition was conditionally approved on 1/25/18. The six conditions of approval of WP-17-044 are achievable for the current design.

The owner has obtained a signed Grading Plan from the Howard Soil Conservation District. This plan shows that there is adequate area for sediment and erosion perimeter control measures and that the limit of disturbance is reasonable.

The owner would like to divide this parcel into two lots of roughly the same size. There is a stream and wetland system between the buildable areas of the parcel and Johns Hopkins Road. The installation of a shared 16' wide driveway can be completed without disturbance to the wetlands or the stream. The driveway grading will impact 891 square feet of wetland buffer. The driveway grading will not impact the stream buffer. There are also four specimen trees that would be removed due to the driveway installation. The environmental consultant, John Canoles of Eco-Science Professionals, Inc., has recommended that the specimen trees be removed instead of a disturbance to the wetlands, the protection of the wetlands has a higher priority than the retention of the specimen trees.

In the Pre-submission Community Input Meeting the Rolling Hills Baptist Church voiced a concern that some larger trees pose a danger to the brick rancher on their property they stated that the trees hang over the structure and that their insurance company would like the trees removed.

The driveway width is the minimum for a shared driveway. The 16' width for a shared driveway is required in Design Manual Volume III, section 2.6 Driveways, Table 2.10, and Appendix A.

The driveway has been planned at 7' from the surveyed project boundary line for a portion of its length. This will require an increase in the landscape buffering per section 16.120(b)(6)(vi) of the Subdivision and Land Development Regulations. In the area of a five foot to ten foot setback to the project boundary a shared driveway shall have a type D buffer except in the area of the front setback from a public road. The location, length and buffer are shown on the exhibit.

The lower part of this parcel has streams, wetlands and their buffers that will be protected but on the lots. Since the minimum lot size is 3 acres some environmental features need to be included on the lots but will be outside of the building setbacks. Per section 16.120(b)(4)(iii) a 35' environmental setback has been shown on the Waiver Petition Exhibit. The building envelope is of adequate size to construct a 50' by 70' house with a side entry garage. The Waiver Petition Exhibit shows 5 micro-bioretenion facilities at locations where underdrain outfalls can be provided outside of the stream and wetland buffers.

The area of the environmental features on the site is 2.4 acres. This results in a buildable area of 5.2 acres, after subtraction of the right-of-way dedication. This area has been divided to make two buildable lots on the exhibit. The area left for buildable area does not exceed the minimum allowed for two 3 acre lots completely outside of the stream buffer, a non-buildable preservation parcel containing the environmental features would eliminate the ability to divide the property into 3 acre lots. Therefore the environmental features must be on the buildable lots less than 10 acres if two lots are achieved.

The proposed subdivision can create protection for the environmental features. The subdivision could result in forest conservation along the stream setback that can be marked in accordance with the Howard County manual and practices. The features will be delineated on the supplemental plans and plats so that the owners are aware of the features. The floodplain area will be dedicated to Howard County in accordance with the Regulations.

Sections to be Waived:

Section 16.120(b)(4)(iii) – Lot Layout, Usable Design

Section 16.1205(a) – Protection of Specimen Trees

Section 16.116(a)(1) and (3) – Protection of Wetland Buffers and Placement on Preservation Parcel

Section 16.120(b)(4)(iii) – Lot Layout – Usable Design Justifications:

- a) The extraordinary hardships associated with creating a lot design that separates the environmental features from the buildable lot less than 10 acres is that the floodplain, stream, stream buffer, wetlands and wetland buffer would need to be on a separate non-buildable preservation parcel. The size (using the stream buffer as the limits) of the resulting preservation parcel would be 2.4 acres. Dedication of this area would create a remainder parcel size of 5.4 acres. This remainder parcel size cannot be divided into two 3 acre lots therefor it would be a violation of the zoning regulations for two three acre lots. These features currently existing on a parcel that is less than 10 acres, there is no change in use for these areas. The future transfers of these lots will include a disclosure that these environmental features are existing on the lots. The environmental features shall appear on the final plat of this property and on all supplemental and construction plans including the environmental concept plan, the supplemental final plans, the grading plan and the building permit plan. The majority of the wetland, stream and their buffer areas are included in the forest conservation easement that is required for the original building permit. The building permit plan shows removal of over 20,000 sf of forest therefor an on-site forest conservation easement is proposed. The limits of this easement are shown on the exhibit and the building permit plan will be requested upon the approval of this alternative compliance request.
- b) The intent of the regulations is met by the developer providing a Forest Stand Delineation, Wetland Delineation Plan, Preliminary Sight Distance Analysis and a Percolation Certification for the subdivision.

The developer intends to show the environmental areas on an Environmental Concept Plan, Final Supplemental Plans, Grading Plans and Building Permit Plans for each of the lots.

The lot configuration will allow the houses, driveways, stormwater features and grading to occur without disturbance to wetlands, streams, their buffers, or floodplain. Except for 891 square feet of wetland buffer disturbance necessary for the 16' wide shared driveway that is required for fire and rescue services access and per Design Manual III.

The timing of the final subdivision plan and the building permit plan will result in the forest conservation obligation for the subdivision to be fulfilled at the time of the initial building permit. The intention is that building permit is requested upon approval of this Alternative Compliance. The building permit plan will

result in clearing of more than 20,000 sf of forest, therefore the forest easement will be created as part of the building permit plan review.

- c) The approval of this waiver is not detrimental to the public interest because the development of this parcel will incorporate all necessary protection measures to protect the environmental features on a final plat. The existing condition is that these environmental features are on a parcel less than 10 acres. There are not planned disturbances to these features except the minor wetland buffer disturbance.

Forest Conservation easement will be provided. This forest easement is in an area that will serve as a perpetual buffer to the adjacent residential properties to the north and west.

- d) The approval of this waiver will not nullify the intent of the regulations as the developer will still need to comply with the forest conservation act, Stormwater Act, COMAR and the Zoning Code for Howard County. The developer will have to complete Environmental Concept Plan for this subdivision that shall show the individual houses, driveways and treat the impervious created by the development. The developer will have to submit building permit plans in order to be able to construct these houses. The building permit plans shall show all environmental features.

The subdivision of the parcel will allow for a safe driveway location that is in conformance with the current Subdivision Regulations with regards to public road frontage and safe access point.

Section 16.1205(a) Justification

- a) The proposed development will require the removal of four specimen trees on the property. While it is understood that retention of specimen trees is a goal of the Forest Conservation Act, a practical difficulty exists which precludes the retention of 100% of these resources.

The practical difficulty arises due to access to the buildable portion of the parcel. The location of the trees, the property line setbacks for a driveway and the wetland system limit the feasible access to the rear of the site where the well boxes, septic areas and buildable area exist. These constraints are such that avoidance is not possible while maintaining the reasonable development potential of the property. The retention of all specimen trees could not be accomplished without severely impacting the wetlands. The high priority should be to protect the wetlands over the specimen trees. The proposed design avoids specimen trees where it is possible without impacting the wetlands.

The Specimen tree chart from the Forest Stand Delineation is:

Specimen Tree Chart					
Key (X#)	Species	Size (in. DBH)	CRZ (feet radius)	Comments	Resolution
1	Tulip poplar	41	61.5	good condition	Removal
2	Tulip poplar	30.5	45.75	good condition	Retention
3	Tulip poplar	36.5	54.75	good condition	Removal
4	Tulip poplar	34	51	good condition	Retention
5	Tulip poplar	36.5	54.75	good condition	Removal
6	White Oak	49	73.5	fair condition, some limb dieback and tree house	Removal

This Chart shows the trees to be removed and the status of those trees. Further discussion reveals all the reasons for the individual tree removals.

Specimen tree #1 is a 41" Tulip Poplar that is in good condition. The location of the tree is near the right-of-way line and near the eastern boundary line. The tree is 14' off the southern boundary line and the placement of the 16' shared driveway at 7' north of the southern boundary line places this tree in the middle of the driveway. There is not adequate space to the north to construct the driveway without removal of an additional specimen tree and with additional disturbances to the wetland buffer.

Specimen tree #3 is a 36.5" Tulip Poplar that is in good condition. The location of the tree is near the southern boundary line. The tree is 14' off the southern boundary line and the placement of the 16' shared driveway at 7' north of the southern boundary line places this tree in the middle of the driveway. This tree is at the narrowest point between the wetland buffer and the southern boundary line, this chock point is where there are impacts to the wetland buffer. There is not adequate space to move the driveway to the north without additional disturbances to the wetlands and wetland buffer.

Specimen tree #5 is a 36.5" Tulip Poplar that is in good condition. The location of the tree is near the southern boundary line. The tree is 11' off the southern boundary line and the placement of the 16' shared driveway at 7' north of the southern boundary line places this tree in the southern half of the driveway but specimen tree #4 is just north of the planned driveway location. Relocation of the driveway north from this location would necessitate the removal of specimen tree #4. There is not adequate space to the north of specimen tree #4 to construct the driveway without additional disturbances to the wetland buffer.

Specimen tree #6 is a 49" White Oak that is in fair condition. This tree has been negatively impacted by the construction of a tree house within the branches. The location of the tree is near the southern boundary line. The tree is 18' off the southern boundary line and the placement of the 16' shared

driveway at 7' north of the southern boundary line places this tree in the northern half of the planned driveway. Re-routing the driveway further north at this location would result in dramatic geometry to the driveway, additional imperviousness that cannot be treated. Additionally, for vehicles departing the site the slope would be steep towards the wetlands and then the driveway would have to turn sharply. This combination would result in a safety concern because vehicles would tend to slide off the driveway into the wetlands.

In the Pre-submission Community Input Meeting the Rolling Hills Baptist Church voiced a concern that some larger trees pose a danger to the brick rancher on their property they stated that the trees hang over the structure and that their insurance company would like the trees removed.

- 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 stream buffer, wetland buffer, and contiguous forest areas. The location of the driveway close to the southern boundary line will keep the largest contiguous forested area. The existing limits of the forest canopy cover is located just south of the project boundary. So placing the driveway as far south as allowable will have the least impact on the contiguous forest.
- c) The approval of the waiver will not have any detrimental impact to the public interest. Because the specimen trees occur within the forest, they do not currently have an individual exposure that creates an aesthetic value. As such their removal will not be notable to the public given approximately 3 acres of the forest on the property will remain including a minimum forested buffer of 325 feet from Johns Hopkins Road. It is anticipated that this development is exempt from the forest conservation act because it is a minor subdivision that only creates one additional lot and has no further subdivision potential based on current zoning. Significant forest resources are likely to be retained outside of any easement.

In the Pre-submission Community Input Meeting the Rolling Hills Baptist Church voiced a concern that some larger trees pose a danger to the brick rancher on their property they stated that the trees hang over the structure and that their insurance company would like the trees removed.

- d) The approval of the waiver will not nullify the intent of the Regulations because the regulations 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. Avoidance of the tree removal would

result in greater impacts to wetland buffers and potential impacts to regulated wetlands.

Section 16.116(a)(1 and 3) Justifications:

- a) The practical difficulty arises due to access to the buildable portion of the parcel. The location of the wetland buffer, the property line setbacks for a driveway and the required driveway width limit the feasible access to the rear of the site where the well boxes, septic areas and buildable area exist. These constraints are such that avoidance of a disturbance to the wetland buffer only is not possible while maintaining the reasonable development potential of the property. The extraordinary hardships associated with the protection of wetland buffer and placement on a preservation parcel is that there is not adequate space to install the required driveway at a grade that is acceptable without a minor fill condition within the limits of the 25' wetland buffer. The amount of fill is at a maximum depth of 2.5' and tapers to existing ground over 891 square feet of land. The plan is to install the driveway, with a 2' shoulder, at 10% slope descending towards the wetland buffer. The driveway is to be sited at 7' from the southern boundary line to allow for the necessary fill to be fully within the limits of this parcel. The grading will need to go up to the boundary line. The limits of the fill is planned to be 8' distant from the wetlands at the closest.

The minimum lot size in this zoning district for this scenario is 3 acre lots. The overall parcel is only 7.8 acres. The area of the pipe stem and road dedication is approximately 0.4 acres. Creating a non-buildable preservation parcel for this subdivision would result in a subdivision that will not support two 3 acre lots. This hardship of having to import density to achieve a two lot minor subdivision would be substantial and would decrease the value of the property in two ways. First density would have to be purchased. Second three acre lots are more valuable. One of the values of this property is the seclusion and the ability for the owner to construct a substantial house on lot 1.

- b) The intent of the regulations is met by the developer providing dedication for the half right-of-way width of Johns Hopkins Road from the areas that she owns. If in the future an improvement is determined to be necessary, the county will own the land fee simple.

The developer will be required to show the environmental features on the plat and on the building permit plans. The protection of these resources will be obvious to any purchaser and any builder.

- c) The approval of this waiver is not detrimental to the public interest because the development of this parcel will allow the delineation of the environmental features. The front 325' of the parcel will still be wooded and will appear just as it does today for the foreseeable future. The developer is not proposing any clearing in the wetlands or stream buffer except for the minor necessary disturbance of the well and waterline installation. The well and waterline installation will have no visual impacts for the general public.

Development of this parcel will be the mechanism for the roadway dedication of Johns Hopkins Road to allow the County to own the roadway and the required additional widening width. The county will not have to negotiate or condemn the property in the future.

- d) The approval of this waiver will not nullify the intent of the regulations as the developer will grant to Howard County the ability to take ownership of the public roadway area. The setbacks to the stream buffer and the wetland buffer can be maintained except for the 891 square feet of unavoidable wetland buffer disturbance near the entrance to the development. There is no plan to clear the wetland, stream, or their buffers except for this small area at the entrance to the site. Forest Conservation easement can be recorded to provide a permanent level of protection for the wetlands and stream valley. The area of the floodplain can be included in a public easement to Howard County as required.

FAST TRACK PLAN

DataBase No. _____

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: November 22, 2016

DPZ File No. WP-17-044

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

See:

Agencies

- 1 Soil Conservation District
- 1 Department of Inspections, Licenses & Permits
- 1 Department of Fire and Rescue Services
- 1 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: Gill Property at Johns Hopkins Road

ENCLOSED FOR YOUR Signature Approval Review & Comments Files

THE ENCLOSED Original Pre-Packaged Plan Set

Plans	# of Plans
<input type="checkbox"/> Sketch Plan	<input type="checkbox"/>
<input type="checkbox"/> Prel Equiv Sketch Plan	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/>
<input type="checkbox"/> Final Plat/Plat of Easement/RE Plat	<input type="checkbox"/>
<input type="checkbox"/> Final Constr Plans (RDS)	<input type="checkbox"/>
<input type="checkbox"/> Final Development Plan	<input type="checkbox"/>
<input type="checkbox"/> Site Development Plan	<input type="checkbox"/>
<input type="checkbox"/> Landscape Plan/Supplemental Plan	<input type="checkbox"/>
<input type="checkbox"/> Grading Plan	<input type="checkbox"/>
<input type="checkbox"/> House Type Revision/Walk-Thru Red-Line	<input type="checkbox"/>
<input type="checkbox"/> Water and Sewer Plan	<input type="checkbox"/>

Supplemental Documents

- Wetlands Report
- Soils/Topo Map/Drain Area Map
- FSD/FCP/Worksheet and Application
- Declaration of Intent (Forest Cons)
- Drainage and/or Computation/Pond Safety Comps
- Preliminary Road Profiles
- APFO Roads Test/Mitigation Plan/Traffic Study
- Noise Study
- Sight Distance Analysis/Speed Flow Study
- Floodplain Study
- Stormwater Management Comps/Geo-Tech Report
- Industrial Waste Survey (DPW)
- Road Poster Form Letter
- Justification Letter
- Perc Plat
- Scenic Road Exhibits
- Deeds
- Photographs
- Retaining Wall Comps/Details
- Poster/Community or HDC Meeting Information
- Route 1 Details/Summary

Applications

- Alternative Compliance Application
- Planning Board Application
- ASDP/CSDP Application
- DED Application/Checklist
- DED Fee Receipt/Deeds/Cost Estimate
- Overall Scaled Composite
- Water & Sewer Plans
- List of Street Names

WAS: Received Tentatively Approved
 Received and Revised Approved

Recorded
On November 22, 2016

COMMENTS: _____ Due- 17 Working Days: 12/19/16

RR

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

No objections; no conflicts with well or septic systems noted. RR

DPZ STAFF INITIALS: EB

**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 11/22/16 DPZ File Number WP-17-044

I. Site Description

Subdivision Name/Property Identification: Gill Property at Johns Hopkins Rd.
 Location of property: _____
 (Street Address and/or Road Name)

<u>woods</u> (Existing Use)	<u>Two SFD lots</u> (Proposed Use)		
<u>41</u> (Tax Map No.)	<u>09</u> (Grid/Block No.)	<u>0259</u> (Parcel No.)	<u>5</u> (Election District)
<u>RR-DEO</u> (Zoning District)		<u>7.81 Ac.</u> (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.)

The property is not part of any subdivision. The owner intends to do a minor subdivision creating one additional dwelling unit. The percolation certification was signed by the Health officer on 10/24/2016.

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>16.120(5)(4)(iii)</u>	<u>lot layout, usable design</u>
2. <u>16.1205 (a)</u>	<u>Protection of specimen trees</u>
3. <u>16.116 (a)(1) + (3)</u>	<u>Protection of Wetland Buffers and placement on Preservation parcels.</u>
4. _____	_____
5. _____	_____

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 *

Rajdeep G. Gill 11/24/16 [Signature] 10/24/16
(Signature of Property Owner) (Date) (Signature of Petition Preparer) * (Date)
(Fee Simple Owner Only)

Rajdeep Kaur Gill
(Name of Property Owner)

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

3111 Chapel Manor Lane
(Address)

3480 Baltimore National Pk
(Address)

Ellicott City MD 21043
(City, State, Zip Code)

Ellicott City MD 21043
(City, State, Zip Code)

E-Mail rajdeepg.1117@yahoo.com

E-Mail bei@bei-civilengineering.com

443-509-4019 (Telephone) (Fax)

410 465 6105 (Telephone) 6644 (Fax)

Contact Person: Rajdeep G. Gill

Contact Person: John Carnay