



For DPZ Office use only:

BA Case No. BA-8288

Date Submitted: 12/18/2025

ADMINISTRATIVE APPEAL PETITION TO THE HOWARD COUNTY HEARING AUTHORITY

A person who wishes to appeal a departmental decision must use this petition form. It is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person¹. The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of issuance of the departmental ruling or action.

1. APPEAL REQUEST

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THIS APPEAL IS TAKEN: The Howard County Department of Planning and Zoning's ("DPZ") denial of Appellant's alternative compliance request, WP-24-119, Cat Rock Overlook (attached hereto). See attached supplemental statement for more details.

DATE OF RULING OR ACTION: Final ruling action was November 21, 2025

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY THIS APPEAL: See attached supplemental statement.

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR ACTION: Appellant is the owner of the property that is the subject of the denial of WP-24-119. The denial prohibits Appellant's reasonable development of the subject property directly impacting Appellant's personal property rights.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY TO CONSIDER: Additional factors will be raised at the hearing on this matter.

¹ As a brief explanation of this concept: Generally speaking,...a person "aggrieved"...is one whose personal or property rights are adversely affected by the decision...The decision must not only affect a matter in which the protestant has a specific interest or property right, but his interest therein must be such that he is personally and specifically affected in a way different from that suffered by the public generally. The Department of Planning and Zoning does not advise persons on whether they may or may not qualify as being aggrieved. Persons intending to file an appeal may want to obtain separate legal advice on this issue because it may have an impact on the validity of the appeal.

2. **APPELLANT'S NAME** Hillstreet Overlook, LLC c/o Ronald Wildman
TRADING AS (IF APPLICABLE) _____
ADDRESS 7414 Hawkins Drive, Hanover, MD 21076
PHONE NO. (H) (443) 324-2242 **(W)** _____
EMAIL ron.wildman@gmail.com

3. **COUNSEL FOR APPELLANT** Christopher M. DeCarlo, Venable LLP
COUNSEL'S ADDRESS 210 W. Pennsylvania Ave., Suite 500, Towson, MD 21204
COUNSEL'S PHONE NO. (410) 494-6226
EMAIL Cmdecarlo@venable.com

4. **RESPONDENT** Howard County Department of Planning and Zoning
RESPONDENT'S ADDRESS 3430 Courthouse Drive, Ellicott City, MD 21043

5. **PROPERTY IDENTIFICATION (IF REAL PROPERTY IS INVOLVED)**
ADDRESS OF SUBJECT PROPERTY 8500 Hill Street, Ellicott City, MD 21043

TOTAL ACREAGE OF PROPERTY 0.14 acres
PROPERTY LOCATION 8500 Hill Street, south west side of Hill Street
COUNCIL DISTRCT 1st **ELECTION DISTRICT** 2nd **ZONING DISTRICT** R-VH
TAX MAP # 25A **GRID #** 14 **PARCEL/LOT #** 319

6. **APPELLANT'S INTEREST IN SUBJECT PROPERTY**
 OWNER (Including joint ownership) OTHER (Describe and give name and address of owner) _____

7. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**
A) The Appellant must submit one (1) signed original and three (3) copies of the signed original, for a total of four (4) copies, of this petition. If supplementary documents or other materials are included, four (4) complete sets must be submitted.

B) The appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the appellant file a record transcript of the hearing being appealed. In addition, within 15 days of filing the transcript, the appellant must file a Memorandum addressing the points of law upon which the appeal is based.

C) The undersigned agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the posters as required and submit an affidavit of posting at, or before the time of the hearing. If the Appellant is not the owner or does not have a beneficial interest in the subject property, the posting of the property is not required; however, the Appellant must send copies of the petition and notification of the public hearing to the property owner and the adjoining property owners in accordance with Section 2.203(e) of the Rules of Procedure of the Board of Appeals.

D) The undersigned also agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

E) The undersigned also agrees to furnish such additional plats, reports, plans, or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with the filing of this petition.
The undersigned agrees to pay all costs in accordance with the current schedule of fees.

8. SIGNATURES

The undersigned hereby affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.



Signature of Attorney



Signature of Appellant

For DPZ office use only: (Filing fee is \$1,500.00 plus \$50.00 per poster)

Hearing Fee: \$ _____

County Website: howardcountymd.gov

Poster Fee: \$ _____

TOTAL: \$ _____

Receipt No. _____

(Make check payable to "Director of Finance")

**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

Drawings: Where a parcel of land and/or building(s) as defined in the Zoning Regulations is involved in that which is being appealed, petition forms must be accompanied by **(10) copies of required drawings** showing the following information:

- [] (a) Courses and distances of outline boundary lines and the size of the property
- [] (b) North arrow
- [] (c) Existing zoning of subject property and adjoining property
- [] (d) Location, extent, boundary lines and area of any current use and proposed change in use
- [] (e) Any existing or proposed building(s), structures, signs, points of access, natural features, landscaping, parking, and other objects and/or uses on subject property which may be relevant to the petition
- [] (f) Same as (e) above, if any, of adjoining property which may be required in the proper examination of the petition
- [] (g) Location of subject property in relation, by approximate dimension, to nearest intersection of two public roads
- [] (h) Ownership of effected roads
- [] (i) Election District in which the subject property is located
- [] (j) Tax Map number on which the subject property is located
- [] (k) Name and local community in which the subject property is located or name of nearby community
- [] (l) Name, mailing address, telephone number (and e-mail address, if any) of the appellant
- [] (m) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- [] (n) Name and mailing address of property owner
- [] (o) Any other information as may be necessary for full and proper consideration of the appeal.

BA Case # _____

PETITIONER: Hillstreet Overlook, LLC

ADDRESS: 8500 Hill Street, Ellicott City, Maryland 21043

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.

Barbara Lukasevich

Witness

Ronald B. Jibman 12/17/22

Signature

Date

Witness

Signature

Date

Witness

Signature

Date

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

SUPPLEMENTAL STATEMENT TO ADMINISTRATIVE APPEAL PETITION
TO THE HOWARD COUNTY HEARING AUTHORITY

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THE APPEAL IS TAKEN:

Appellant is appealing the Director of DPZ, the Director of Public Works, and the Administrator of the Office of Community Sustainability's (collectively, the "Departments") denial of alternative compliance request, WP-24-119, Cat Rock Overlook. The Departments initially denied Appellant's request by Decision Letter dated September 17, 2025 (attached hereto). Appellant sought reconsideration pursuant to Section 16.104(b)(3) of the Subdivision and Land Development Regulations. The Departments denied Appellant's reconsideration request by Decision Letter dated November 21, 2025 (attached hereto).

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY THIS APPEAL:

WP-24-119 is a request for alternative compliance from Section 16.116(b)(1) of the Subdivision and Land Development Regulations related to steep slopes. The Departments erroneously found that strict conformance with the regulations would not result in a practical difficulty or unwarranted hardship to the Appellant. The Departments' denial is clearly erroneous, arbitrary and capricious, and contrary to law for, among other things, the following non-exhaustive reasons:

1. The Departments failed to properly consider that the subject property is unable to be developed with any reasonable and productive use without the requested relief;
2. The Departments erroneously concluded that because the regulation was in effect prior to Appellant's purchase of the subject property any hardship to comply with the regulation was self-created;
3. The Departments erroneously concluded that Appellant's purchase of the subject property with environmental features was a self-created hardship;
4. The Departments failed to give proper consideration to the requested reduction in building footprint Appellant made as part of its reconsideration request;
5. The Departments failed to give proper consideration to the buildable lot letter issued by DPZ on October 12, 2010; and
6. The Departments misapplied the formula for calculating steep slopes on the Subject Property.

*****The above list is non-exhaustive. Appellant expressly reserves the right to offer additional facts, evidence, and reasons at the *de novo* hearing on this matter.**



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

November 21, 2025

Mr. Ronald Wildman
Hill Street Overlook, LLC
7417 Hawkins Drive
Hanover, MD 21076

RE: WP-24-119, Cat Rock Overlook, Hill Street

Dear Mr. Wildman:

This letter is to inform you that your request for reconsideration to revise the Director's denial of the alternative compliance with the Howard County Subdivision and Land Development Regulations for the subject project has been reviewed.

On November 6, 2025, the Deputy Director of the Department of Planning and Zoning, the Director of the Department of Public Works, and the Administrator of the Office of Community Sustainability considered and **denied your reconsideration request** with respect to Section 16.116(b)(1) of Subdivision and Land Development Regulations to disturb steep slopes that average 25 percent or greater over 10 vertical feet for the construction of a single-family dwelling.

Reconsideration Denial of this Alternative Compliance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations is based on the following:

The Deputy Director of the Department of Planning and Zoning, the Director of the Department of Public Works and the Administrator of the Office of Community Sustainability determined that you have not satisfactorily demonstrated that strict enforcement of Section 16.116(b)(1) would result in an unreasonable hardship or practical difficulty.

The Deputy Director of the Department of Planning and Zoning, the Director of the Department of Public Works and the Administrator of the Office of Community Sustainability are denying the reconsideration request for relief from Section 16.116(b)(1) because the request does not meet the justifications required for approval under the alternative compliance criteria. The applicant is not being denied rights commonly enjoyed by others. Based on previous exhibits, the applicant has not demonstrated that a reasonable footprint of any size can be constructed on this property without the requested relief from Section 16.116(b)(1). The applicant purchased a parcel containing a 75' stream buffer and containing 25% or greater steep slopes. The reconsideration request indicates the house footprint is reduced, the carport/garage is eliminated, and the limit of disturbance is reduced from 54% to 29%. However, the provided exhibit does not demonstrate the limit of disturbance includes all improvements as the PVC pipe extending from the cistern is located outside limit of disturbance. In addition, the carport is shown on the exhibit thus in conflict with the reconsideration request. Based on the conflict in the documentation, it is difficult to determine the actual limit of disturbance required for this parcel, and if the carport is no longer proposed.

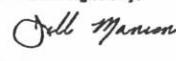
In addition, the applicant continues to claim the “buildable lot letter” issued by the Zoning Division is not be upheld. The purpose of this letter is to determine if the parcel was legally created. The letter states:

“Based on the findings as described above, this office has determined that the property as referenced above currently exists as a legal potentially buildable parcel. Any confirmation regarding its buildable status cannot be given until the County has reviewed and approved a Site Development Plan (as required in accordance with Section 16.155 of the Code). You will need to have an approved Site Development Plan prior to our endorsement of a building permit.”

Section 16.108(b)(47) of the Subdivision and Land Development Regulations defines Review Committee as an advisory group to the Department of Planning and Zoning, organized to coordinate the subdivision and site development plan review process. The group shall include, but not be limited to, representatives of the following agencies: Department of Public Works; Health Department; Department of Education; Department of Recreation and Parks; Department of Fire and Rescue Services; Department of Inspections, Licenses and Permits; Soil Conservation District; Maryland State Highway Administration; and Office of Transportation. Based on Section 16.108(b)(47), the Zoning Division does not have the ability or authority to review for compliance with the various County regulations and solely determine if a parcel is buildable.

If you have questions, please contact Brenda Luber at (410) 313-4343 or email at BLuber@howardcountymd.gov.

Sincerely,

DocuSigned by:

1D2E2CF6431548F...

Jill Manion, Acting Chief
Division of Land Development

JM/BL

cc: Research
DED
DLD
Real Estate Services
FCC



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 17, 2025

Hill Street Overlook, LLC
7417 Hawkins Drive
Hanover, MD 21076

RE: WP-24-119, Cat Rock Overlook

Dear Applicant:

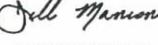
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On September 4, 2025 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 denied your request for alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations to disturbance steep slopes that average 25 percent or greater over 10 vertical feet for the construction of a single-family dwelling. Please see the attached Final Decision Action Report for more information.

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.

If you have any questions, please contact Brenda Luber at (410) 313-4343 or email at BLuber@howardcountymd.gov.

Sincerely,

DocuSigned by:

1D2E2CF6431548F...

Jill Manion, Acting Chief
Division of Land Development

JM/bl

cc: Research
BREM, DGS
FCC



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-24-119, Cat Rock**

Request for an alternative compliance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations.

Applicant: **Hill Street Overlook, LLC**

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 **denied** the applicants request for an alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations. The request is to disturb steep slopes that average 25 percent or greater over ten vertical feet for the construction of a single-family dwelling. The Directors deliberated the application in a meeting on September 4, 2025.

Each Department hereby determines that strict enforcement of Section 16.116(b)(1) would not result in practical difficulty or unreasonable hardship. The following factors were considered in making this determination:

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

The applicant stated 8500 Hill Street is a 6,721 square foot lot that is currently undeveloped and received a buildable lot letter on October 12, 2010. The site is rectangular in shape with steep slopes and a stream buffer. The proposed limit of disturbance for the entire site is under 5,000 sq ft and only minimal disturbance to the steep slopes. Since the site is encumbered with steep slopes, the development potential of the property is limited. The location of the steep slopes that are located on site impacts the reasonable use of the property which will deprive the applicant of rights commonly enjoyed by others in similar areas. Due to the size of the property constraints, avoidance is not possible while maintaining the reasonable development potential of the property.

The site is 0.14 acres in size. Steep slopes are located on 0.11 acres of the site. Also included is a 75-foot stream buffer. The applicant stated the County deemed the property a buildable lot. This information is incorrect as the Division of Public Service and Zoning Administration determined "the property currently exists as a legal, potentially buildable parcel. Any confirmation regarding its buildable status cannot be given until the County has reviewed and approved a Site Development Plan". The decision made by the Division of Public Service and Zoning Administration was strictly an evaluation of the deeds creating the parcel not an evaluation of the environmental features on the parcel or the potential for a dwelling on this parcel.

On December 12, 1993, Regulations were adopted which prohibit the grading on 25 percent or greater steep slopes. The applicant purchased the property on December 8, 2003 (based on SDAT) records. The plan provided by the applicant identified 78 percent of the parcel as containing steep slopes and a 75-foot stream buffer on the western portion of the property. In addition, given the significant floodings in this area of the County, laws were

adopted requiring applicants to provide at least 10 percent more than the required flood controls within this watershed. Laws were in effect for approximately 10 years prior to the applicant's purchase of the property. These laws prohibited disturbance to 25 percent or greater steep slopes. The applicant was requested to reduce the size of the proposed dwelling. The dwelling was reduced by 8 feet. However, the applicant proposes to disturb 54 percent of the site.

Given that the site contains 78 percent steep slopes and a 75-foot stream buffer, the proposal did not provide a reasonable protection of these environmental features. In addition, laws were in place protecting these environmental features, prior to the applicant purchasing this parcel. Denial of this request does not deprive the applicant of property rights, given the environmental encumbrances of steep slopes and stream buffer on this parcel which limits the development potential.

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 applicant stated the proposed alternative compliance request is not seeking to allow the landowner to be exempted from the enforcement of the regulations. Simply that the County considers all the factors associated with the site conditions, the project goals and the mitigation proposal and agrees that these factors balance to meet or exceed the intended goals of the regulations. The grading of the property will result in the impact of the steep slopes. However, due to their location on-site, it will impact the reasonable use of the property.

The applicant further stated that the strict enforcement of the regulations would preclude the landowner from developing the property in a manner that is in keeping with, and complementary to the current zoning and adjacent land uses. Per the Alternative Compliance process, all landowners with unique site conditions and substantial site constraints created by current regulations, are eligible to receive consideration for an alternative compliance to the regulations to allow for reasonable and complementary use of their property.

The justification cites the property owner would be deprived of the rights to develop the site. The property owner purchased the property on December 8, 2003. Laws restricting grading of steep slopes became effective on March 12, 1993 (Third Edition of the Subdivision and Land Development Regulations) approximately 10 years prior to the purchase of this parcel. The property owner elected to purchase a property containing environmental features (78 percent of the site containing steep slopes and a 75-foot stream buffer) rendering this a self-created hardship.

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

The applicant stated granting this alternative compliance will not confer on the applicant any special privileges that would be denied to other applicants. This alternative compliance pertains only to a minimal disturbance to steep slopes. Steep slopes existed on all surrounding properties prior to their development.

The applicant was given the opportunity to reduce the size of the dwelling. However, the structure was only reduced by 8 feet with disturbance to 54 percent of the parcel. In addition, given that steep slopes encumber 78 percent of the site, an 8-foot reduction was not a significant reduction. In addition, the applicant purchased the parcel when regulations were in place prohibiting grading of steep slopes. Approval of the request would confer on the applicant a special privilege.

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

The applicant stated the approval of this alternative compliance is not detrimental to the public health, safety, or welfare, or injurious to other properties. The disturbance is minimal and will only impact a portion of the resource. All disturbances will be adequately stabilized. Although the disturbed area is under 5,000 square feet, stormwater management will be provided as mitigation for the disturbance.

Given the recent flood events and the large percentage of steep slopes located on the site, disturbance to steep slopes may create a public safety concern for the homes within the immediate vicinity, especially properties downhill from this parcel. Testimony was provided at the Historic Preservation meeting indicated during the flooding event; a landslide occurred causing great concern for the neighbors below this property.

In 2018, DPW stabilized a portion of the adjacent land with riprap due to a slope failure. This failure occurred on an existing wooded area with similar slopes as the proposed developing area. Prior to the failure, no construction took place to contribute to this failure. With the proposed development, a portion of the disturbed area will be stabilized with a geo-web product based on the results of a slope stability analysis. The area between the riprap area and the geo-web has similar slopes and soil type and could also fail with adjacent disturbance. Additionally, the cistern's outfall is directed to the bottom of the geo-web matting. This discharge has the potential to hydraulically load the area just below the geo-web and create a localized failure.

5. Disturbance is returned to its natural condition to the greatest extent possible.

The applicant stated the minimal temporary disturbance will be restored to natural conditions. Portions of the steep slopes that will reflect hardscape/roof or pavement in proposed conditions will no longer be susceptible to erosion. The remainder will be stabilized rigorously.

Given that 78 percent of the site is steep slopes, there is concern that disturbance to the steep slopes will impact homes within the vicinity of the site even though the applicant has indicated that rigorous stabilization measures will be provided.

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

The applicant stated there is no evidence that this proposal will have any adverse impacts to water quality and fish, wildlife, and vegetative habitat. Additionally, despite exemption from stormwater management due to disturbance under 5,000 square feet, stormwater management is being provided for this site, which will mitigate the proposed impervious.

The applicant has proposed disturbance to 54 percent of the site which contains steep slopes over 78 percent of the parcel. The applicant has not demonstrated that the proposed mitigation will not adversely impact the off-site stream.

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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.

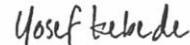
The applicant stated a retaining wall is proposed to minimize area disturbed and provide portions of the site with flatter areas that are less susceptible to erosion. The minimum amount of disturbance is proposed, to a point where all construction will need to operate from the paved area above the site. Green space portions of the LOD will be well planted or otherwise adequately vegetated, including planting of trees along the rear lot line, as well as rigorously stabilized.

The slope consists of erodible soils and major failures have occurred along the same slope on the adjacent parcel during recent flood events. There is concern that once the parcel is disturbed no amount of stabilization will prevent a similar failure which occurred on this same slope on the adjacent property.

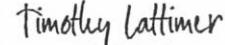
DocuSigned by:

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for
Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

Signed by:

B4217725E8EC47C...

Yosef Kebede, Director
Department of Public Works

Signed by:

AEB60003A8F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
 OCS
 DPW



FISHER, COLLINS & CARTER, INC.

CIVIL ENGINEERING CONSULTANTS
and LAND SURVEYORS

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Earl D. Collins, P.E.; *Founder, Co-Chairman Emeritus*
Charles J. Crovo, Sr. P.E. L.S.; *Emeritus Member*
Paul W. Kriebel, P.E.; *Emeritus Member*
Mark L. Robel, P.L.S.; *Emeritus Member*

Frank J. Manalansan II, L.S.; *President*
Michael J. McCann; *Chief Executive Officer*
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Mitchell J. Kellman; *Vice President, Zoning*

Dept. of Planning & Zoning
Division of Land Development
Attn: Jill Manion, Acting Division Chief
3430 Courthouse Drive
Ellicott City, MD 21043

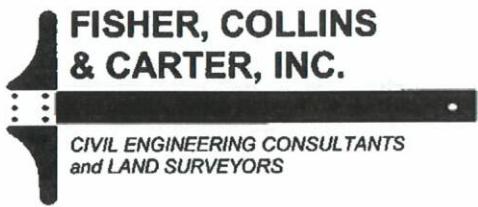
RE: WP-24-119, Cat Rock - Reconsideration
(SDP-24-024)

Dear Jill:

This letter is Submitted on behalf of Mr. Ron Wildman, owner and developer for the Cat Rock Run project located at 8500 Hill Street in Ellicott City. We respectfully request Reconsideration of the September 17, 2025, decision regarding Alternative Compliance Application (WP-24-119) in accordance with Section 16.104(b)(3) pertaining to steep slopes on the aforementioned property. The denial letter indicated that reconsideration could be warranted with a revised house footprint. As shown in the attached plans, the house footprint and proposed limits of disturbance (LOD) are now entirely contained within the portion of the site with a mixture of slopes and flat areas. The disturbance to steep slopes has therefore been reduced by 0.038 acres, resulting in a total disturbance of 0.040 acres of the site, or 29% of the site (down from 54%). The proposed dwelling has also been redesigned to mirror the size and scale of the adjacent home immediately to the east. Further revisions include the removal of the front garage/carport and elimination of the rear yard garden wall (that area will remain undisturbed). The house has been shifted 5 feet eastward, while maintaining the required 10-foot landscape buffer along eastern property line. This adjustment additionally reduces the influence on the existing Hill Street retaining wall, minimizing construction impacts. Specialized construction practices will confine the disturbances to within the LOD.

Regarding the buildable lot determination cited in the decision letter, we acknowledge that Site Development Plan (SDP) approval is required prior to any development. However, it is concerning that Howard County has issued a buildable lot letter and now appears to be unwilling to uphold that determination. Numerous projects with similar steep slope conditions have been granted Alternative Compliance approval and we believe that reasonable path forward exists for Cat Rock Run as well. As detailed above, the steep slope disturbance has been substantially reduced and is now confined to an area that includes a significant portion with slopes less than 25%.

With respect to storm water management the peak discharge rates from the developed site will be more than 10% lower than existing conditions for both the 100-year storm and the storm of record events. Currently, runoff from the undeveloped parcel flows through an existing swale along the rear fence line, eventually discharging onto neighboring property without affecting structures. The proposed design intercepts and redirects this flow further west, away from structures, and at a



reduced rate, thereby providing an improvement to downstream conditions. This supports the justification for the requested Alternative Compliance under Section 16.104(d).

In terms of community and structural safety, the latest SDP submission includes Professional Engineer-sealed retaining wall and footing design, supported by comprehensive geotechnical investigation. A slope stability analysis was also performed and its recommendation for slope stabilization have been incorporated into the plans. The soil characteristics including their erodibility were carefully evaluated as part of this study. Importantly, the flood related slope failure from the prior event does not extend to the 8500 Hill Street property, and therefore it has been clearly demonstrated that the proposed house will be structurally sound and safe for both its occupants and the adjacent downstream property owners.

We appreciate your reconsideration of this matter and respectfully request that the revised plan and accompanying analyses be accepted as sufficient justification for the approval of the Alternative Compliance Application.

Very truly yours,
Fisher, Collins & Carter, Inc.


Frank J. Manalansan II, L.S.



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 6,721 square foot undeveloped lot proposing new SFD

Subdivision Name/Property Identification: 8500 Hill Street

Location of property: 8500 Hill Street, south west side of Hill Street

Existing Use: Vacant

Proposed Use: SFD

Tax Map: 25 A

Grid: 14

Parcel No: 319

Election District: 2nd

Zoning District: RVH

Total site area: 0.14

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:

8500 Hill Street is a 6,721 square foot undeveloped lot proposing a SFD. The property is zoned RVH located on Tax Map 25A in the Historic Ellicott City area of Howard County. Site slopes from North to South and drains to Cat Rock Run Stream to the south side of this lot which drains to the Tiber Hudson Branch and to the Patapsco River. Public water and sewer will be utilized for this project

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 16.116(b)(1)	Protection of wetlands, streams, and steep slopes (b) Steep Slopes. Steep slopes are slopes that average 25 percent or greater over ten vertical feet. (1) Grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes, except when;

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Ron Wildman

Date:

6/25/2024

Signature of Petitioner Preparer:

Frank Manalansan, II

Date:

6/25/24

Name of Property Owner:

Hill Street Overlook, LLC

Name of Petition Preparer:

Fisher, Collins & Carter

Address:

7417 Hawks Drive

Address:

10272 Baltimore National Pike

City, State, Zip:

Hanover, MD 21076

City, State, Zip:

Ellicott City, MD 21042

E-Mail:

ron.wildman@gmail.com

E-Mail:

frankm@fcc-eng.com

Phone No.:

Phone No.:

410-461-2855

Contact Person:

Ron Wildman

Contact Person:

Frank Manalansan, II



Owner's Authorization Attached

On behalf of our client, Hill Street Overlook, developer of the property at 8500 Hill Street, located in Ellicott City, Maryland 21043, we are requesting an Alternative Compliance to

Section 16.116(b)(1) Protection of wetlands, streams, and steep slopes

(b) Steep Slopes. Steep slopes are slope that average 25 percent or greater over ten vertical feet.

(1) Grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes, except when;

Background

The lot is a deeded legal lot dating back to 1915 (see approved legal lot determination letter provided). It was not a part of a subdivision by current standards since it was prior to the existence of subdivision regulations. The property also existed prior to many environmental regulations. The site is a 6,721 square foot lot and rectangular in shape with steep slopes and stream buffer (stream buffer will remain undisturbed). The site is exempt from Forest Conservation Regulations since it is a single lot less than 40,000 sq.ft. The site is bordered by existing houses to side and rear, constructed over 15 years ago. The site received an approved buildable lot letter on October 12, 2010. The site also received a request on September 11, 2023, from the Department of Public Works to retain an easement from the property for Capital Project J4252. A necessary disturbance request was denied on March 22, 2024. Although we disagree with that decision as this lot has been deemed a buildable lot by the County and we only propose to meet that appellation, we acquiesce to the County's recommendation that this ACA is the appropriate avenue for approval.

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

8500 Hill Street is a 6,721 square foot lot that is currently undeveloped and received a buildable lot letter on October 12, 2010, from the Division of Land Development. The site is rectangular in shape with steep slopes and a stream buffer. The proposed limit of disturbance for the entire site is under 5,000 sq. ft and only minimal disturbance to the steep slopes. Since the site is encumbered with steep slopes, the development potential of the property is limited. The location of the steep slopes that are located on site impacts the reasonable use of the property which will deprive the applicant of rights commonly enjoyed by others in similar areas. Due to the size of the property constraints, avoidance is not possible while maintaining the reasonable development potential of the property.

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 proposed alternative compliance request is not seeking to allow the landowner to be exempted from the enforcement of the regulations. Simply that the County consider all the factors associated with the site conditions, the project goals and the mitigation proposal and agree that these factors balance to meet or exceed the intended goals of the regulations. The grading of the property will result in the impact of the steep slopes. However, due to their location on-site, it will impact the reasonable use of the property.

As indicated, the strict enforcement of the regulations would preclude the landowner from developing the property in a manner that is in keeping with, and complementary to the current zoning and adjacent land uses. Per the Alternative Compliance process, all landowners with unique site conditions and substantial site constraints created by current regulations, are eligible to receive consideration for an alternative compliance to the regulations to allow for reasonable and complementary use of their property.

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

Granting this alternative compliance will not confer on the applicant any special privileges that would be denied to other applicants. This alternative compliance pertains only to a minimal disturbance to steep slopes. Steep slopes existed on all surrounding properties prior to their development.

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

The approval of this alternative compliance is not detrimental to the public health, safety, or welfare, or injurious to other properties. The disturbance is minimal and will only impact a portion of the resource. All disturbance will be adequately stabilized. Although the disturbed area is under 5,000 square feet, stormwater management will be provided as mitigation for the disturbance.

5. *Disturbance is returned to its natural condition to the greatest extent possible:*

The minimal temporary disturbance will be restored to natural conditions. Portions of the steep slopes that will reflect hardscape/roof or pavement in proposed conditions will no longer be susceptible to erosion. The remainder will be stabilized rigorously.

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

There is no evidence that this proposal will have any adverse impacts to water quality and fish, wildlife, and vegetative habitat. Additionally, despite exemption from stormwater management due to disturbance under 5,000 square feet, stormwater management is being provided for this site, which will mitigate the proposed impervious.

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. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading or removal of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.*

A retaining wall is proposed to minimize area disturbed and provide portions of the site with flatter areas that are less susceptible to erosion. The minimum amount of disturbance is proposed, to a point where all construction will need to operate from the paved area above the site. Green space portions of the LOD will be well planted or otherwise adequately vegetated, including planting of trees along the rear lot line, as well as rigorously stabilized.
