

Transmittal

Via: Fax Mail Messenger E-Mail To Be Picked Up
 Fax (original to follow via U.S. Mail)

To: Howard County Department of Planning & Zoning Division of Land Development	Attn: Mr. Anthony Cataldo, Chief Fax: Phone 410-313-4390
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From: Frank Manalansan II, L.S.	CC: File
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Re: WP-25-064, Arrington Manor	W.O.# 18041
Date: December 10, 2024	Pages Page(s) Including this cover

We are forwarding: <input type="checkbox"/> Prints <input type="checkbox"/> Copy of Letter <input type="checkbox"/> Specifications <input type="checkbox"/> Shop drawings <input type="checkbox"/> Other <input type="checkbox"/> Urgent <input type="checkbox"/> For your use <input type="checkbox"/> As requested <input checked="" type="checkbox"/> For Review & Comment

Remarks:

Mr. Cataldo:

In conjunction with the submission of the above referenced project.

Attached you should find:

2 Sets of Exhibit to Accompany Alternative Compliance

2 Sets of Alternative Compliance Justification

Check for the required fees in the amount of \$450.00

Please feel free to contact me if you require any additional information.

Regards,

Frank Manalansan II L.S.



Alternative Compliance Application Form Submitted
Howard County Department of Planning and Zoning
3430 Court House Drive | Ellicott City | MD | 21043
TEL: 410.313.2350

The following Application has been submitted:AC-1560

PROJECT IDENTIFICATION

Site Description: Arrington Manor
Location Address: , , MD,
Existing Use: Residential
Proposed Use: Residential
Tax Map: 38
Grid: 2
Parcel No: 19
Election District: 1
Zoning: R-ED
Total Site Area: 2.14

PREVIOUSLY SUBMITTED OR CURRENTLY ACTIVE PLANS ON FILE

WP-20-068, WP-22-108, F-20-047

SECTION REFERENCE INFORMATION

Your initial Application Fees cover up to 2 Section References for this application.

1.) Section Reference No.: Section 16.120(b)(4)

Brief Summary of Request: Usable design. Residential lots shall be designed to be usable in terms of: (iii) Not being encumbered by environmentally sensitive features: (b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

2.) Section Reference No.: Section 16.144(q)

Brief Summary of Request: Final Subdivision Plat "Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation".

Adding more than 2 Section Reference Numbers will incur an additional fee. You can the additional Section Reference Numbers below.

3.) Section Reference No.:

Brief Summary of Request:

4.) Section Reference No.:

Brief Summary of Request:

5.) Section Reference No.:

Brief Summary of Request:

6.) Section Reference No.:

Brief Summary of Request:

7.) Section Reference No.:

Brief Summary of Request:

8.) Section Reference No.:

Brief Summary of Request:

PROPERTY OWNER INFORMATION

Name: Tim Harma

Owner Company Name:

Address: 7116 John Calvert Court, Elkrigde , MD, 21075

Phone: 4435066188

Email: tharman@heffnerandweber.com

PREPARER INFORMATION

Preparer Company Name: Fisher Collins and Carter Inc.

Name: FCC Inc

Address: 10272 Baltimore National Pike, Ellicott City, AL, 21042

Phone: 4104612855

Email: PDOX@FCC-ENG.COM

CONTACT US

3430 Court House Drive, Ellicott City, MD 21043

TEL: 410.313.2350

Arrington Manor
Alternative Compliance Justification

On behalf of our clients, Tim and Janice Harmon, owners of the property known as 6490 Lawyers Hill Road located in Elkridge, Maryland, we are requesting Alternative Compliance from the following two Sections of the Howard County Subdivision and Land Development Regulations (Regulations):

Section 16.120(b)(4) Usable design. Residential lots shall be designed to be usable in terms of:

(iii) Not being encumbered by environmentally sensitive features:

(b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

Section 16.144(q): Final Subdivision Plat “Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation”.

Section 16.120(b)(4) Usable design - The property where approval of this Alternative Compliance Application is being requested is zoned R-ED. This proposed subdivision is 2.14 acres in size and adjacent to a stream buffer / wetland area along its eastern edge that is non-developable. There is a floodplain associated with that stream extending along the eastern and the majority of the northern edges of the property. The proposed forest conservation easement has been placed on this property to include these environmentally protected buffer areas, and a significant portion of the property itself, severely limiting the buildable areas. It is understood that the environmentally protected buffer areas are priority planting areas and allowed on properties less than 10 acres in size in accordance with Section 16.120.(b)(4)(iii)(c) of the Howard County Subdivision regulations. FCC submitted an Alternative Compliance WP-20-068 which was approved on March 24, 2021, then prior to the 5th review, FCC was informed that Recreation and Parks would not accept the proposed open space resulting in a total redesign of the project and loss of forest easement. In response to the redesign FCC submitted WP-22-108 requesting irregular lot and forest conservation on site and was denied on June 15, 2022, based on a concern for not enough usable rear yard. After receiving Technically Complete the client was not aware that the forest conservation bank within its watershed was no longer available. At this time our client is requesting you to put the remaining obligation of 0.33 acres within an on-site forest conservation easement with a much more useable rear yard. By allowing this forest conservation easement on site it would not take away any useable rear yard. In fact, it would leave 25’ of usable rear yard for the lots outside of the environmental setback.

1. *Describe the special conditions peculiar to the property which would cause unwarranted hardship.*

As described above the property consists of 2.14 acres and is encumbered with environmental features. The buffers associated with these environmental features extend

onto the subject property. There is a floodplain associated with that stream extending along the eastern and the majority of the northern edges of the property. The proposed forest conservation easement has been placed on this property to include these environmentally protected buffer areas, and a significant portion of the property itself, with minor limitations of the buildable areas. It is understood that the environmentally protected buffer areas are priority planting areas and allowed on properties less than 10 acres in size in accordance with Section 16.120.(b)(4)(iii)(c) of the Howard County Subdivision regulations. By allowing the remaining 0.33 obligation on site would not have any cause of unwarranted hardship, in fact it would have a greater impact as it would give additional buffer from the I-95 corridor and the noise wall also allowing a 25' of useable rear yard outside of the environmental setback.

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

Allowing this would allow protection of onsite existing forest resources, which happen to be contiguous with a protected environmental area along the stream east of the site. The retention of the mature healthy forest onsite will be of direct benefit to the site's watershed and habitat value of the area, which will serve the intent of the regulations to a greater extent. The proposed forest conservation easement will also act as a sound and visual buffer between the neighborhood and I-95 to the north. In addition, protection of the existing wooded areas will provide greater protection / buffering for the environmental buffers along the stream, as well as mitigating some of the floodplain hydrology. As in lots/parcels greater than 10 acres in area, all of these lots provide a 35' building setback from environmental features (forest conservation easement) as required by current regulations and still allow 25' of useable rear yard unencumbered by setbacks for the homeowner.

3. *Verify that granting of a variance will not adversely affect water quality.*

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include filtering process to address water quality, stormwater management and soil erosion and sediment control measures that would all fall under the grading permit.

4. *Verify that granting of a variance will not confer on the applicant a special privilege that would be denied by other applicants.*

The granting of the requested variance will not confer a special privilege on the Applicant that would be denied to other applicants. Rather create additional screening and sound buffer along the I-95 corridor that would be beneficial to the homeowner and surrounding neighbors. The Alternative Compliance process allows flexibility in site design for parcels that are severely constrained with environmental features, specimen trees, etc. The proposed forest conservation easements will also protect all existing trees and existing forests.

5. *Verify that the variance request is not based on conditions or circumstances which are a result of actions by the applicant.*

As the floodplain, wetlands, forest and stream were in place prior to the subdivision, this request is not based on conditions or circumstances which are the result of actions by the Applicant. Rather, the requested authorization would be beneficial to all parties allowing additions screening and sound buffer to the noise wall along I-95 and greater protection to the environmental features.

6. *Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and*

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property. Rather, the special conditions described herein are pre-existing and naturally occurring conditions inherent to the Property.

7. *Provide any other information appropriate to support the request.*

This variance request would not be a negative impact to any parties, and this would be beneficial in protection of all environmental features on the property. The denial of WP=22-108 noted the lack of useable rear yard, this easement would additionally include the stream buffer on Lot 4, allow for additional screening from the noise wall and still maintain a 25' usable rear yard in addition to the 35' environmental setback.

Alternative Compliance to Section 16.144(q): Final Subdivision Plat "Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation".

Background

- Arrington Manor, Lots 1 thru 4
- ECP-20-017 Approved on May 27, 2020
- WP-20-068 Submitted 1/7/2020
- F-20-047 Submitted 1/15/2020
- WP-20-068 Deferral – New Application Required 02/05/2020
- F-20-047 - First Revision requested
- WP-20-068 Re-submit 3/24/2020
- WP-20-068 no action letter 4/14/2020
- F-20-047 Revised 2nd submission 6/11/2020
- WP-20-068 Revised re-submitted 6/15/2020
- WP-20-068 Approval with conditions 3/24/2021
- F-20-047 Second Revision requested 3/25/2021
- F-20-047 Revised Submission Re-Submitted 5/18/2021
- F-20-047 Third Revision requested 07/02/2021

- F-20-047 FCC was notified that Rec and Parks was not taking possession of the open space and revised the layout accordingly 8/3/2021
- F-20-047 Revised Submission Resubmitted 8/16/2021
- F-20-047 County Meeting 9/20/2021
- F-20-047 Fourth Revision requested 9/29/2021
- F-20-047 County Meeting 10/21/2021
- F-20-047 Design Manual Waiver is submitted to allow use of NOAA Atlas 14 rainfall data 12/22/2021
- F-20-047 Revised Submission Re-Submitted
- F-20-047 Design Manual Waiver approved 02/14/2022
- F-20-047 Fifth Revision Requested
- WP-22-108 Submit ACA for Forest Conservation Easements on Lot and Irregular Lot Configuration 04/08/2022
- F-20-047 Revised Submission Re-Submitted 4/11/2022
- F-20-047 Sixth Revision requested 5/26/2022
- WP-22-108 ACA Denied 06/15/2022
- F-20-047 Revised Submission Re-Submitted 07/11/2022
- WP-22-108 Reconsideration for removal of Specimen Tree #4 (Dead) 7/14/2022
- WP-22-108 to allow removal of Specimen Tree #4 (Dead) denied 8/19/2022
- WP-23-044 Approved 11/7/2022
- F-20-047 Technically Complete went in to hold bin 11/16/2022
- F-20-047 Remains in Hold Bin 08/01/2023
- F-20-047 Pass School Test 07/02/2024 Proceed with Project

The applicant is requesting an extension for submittal of the final record plat from the December 29, 2024 deadline. This request is for the County to have adequate time to review Mr. & Mrs. Harmon request to place a forest conservation easement on site. As you see above this project has had extensive review to deny the extension request would result in the voiding of all previously approved plans and cause considerable hardship to the owner. Our recommended solution is to grant a 60-day extension to the revised due date in order to have the adequate time for the ACA to be reviewed. Granting the Alternative Compliance request does not relax any technical requirement and approval of this alternative compliance promotes efficiency of the plan review process.

SOILS LEGEND

SOIL	NAME	CLASS	K FACTOR
FaA	Fallsington sandy loam, 0 to 2 percent slopes	D	0.24
RuB	Russett and Beltsville soils, 2 to 5 percent slopes	C	0.43
UaF	Udorthents, Highway, 0 to 65 percent slopes	--	--
UcB	Urban land-Chillum-Beltsville complex, 0 to 5 percent slopes	D	--

Soil Map Number: 20 (Relay, NW) | H.E.S. = Highly Erodible Soil 1

LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
---492---	EXISTING 2' CONTOURS	---	PROPOSED CONTOUR
---490---	EXISTING 10' CONTOURS	+362.5	SPOT ELEVATION
---GpB---	SOILS LINES AND TYPE	---	LIMITS OF DISTURBANCE
---	EXISTING TREELINE	---	DRAINAGE AREA DIVIDE
---	PROPOSED TREELINE	---	SILT FENCE
---	PROPOSED LOT LINES	---	SUPER SILT FENCE
---	INDIVIDUAL TREES & SHRUBS	---	PERMANENT SOIL STABILIZATION MATTING
---	EXISTING & PROPOSED PAVING	---	STABILIZES CONSTRUCTION ENTRANCE
T.B.R.	TO BE REMOVED	---	TREE PROTECTION FENCE
---	DENOTES SLOPES 25%+	---	USE-IN-COMMON DRIVEWAY EASEMENT (SEE PLAT)
---	DENOTES SLOPES 15%-24.9%	---	EXISTING FENCE LINE
---	DENOTES 65 dBA LINE	---	DENOTES AREA OF RIGHT-OF-WAY DEDICATION
---	LIMITS OF FLOODPLAIN	B-3	SOIL BORINGS
---	FLOODPLAIN HATCH	---	SPECIMEN TREE
---	STREAM BUFFER	---	CRITICAL ROOT ZONE
---	DRAINAGE DIVIDE	---	CRZ DISTURBANCE
---	WETLANDS AND WETLAND BUFFER	---	DENOTES FOREST CONSERVATION AREA (NON-CREDITED)
---	---	---	DENOTES FOREST CONSERVATION AREA (CREDITED)

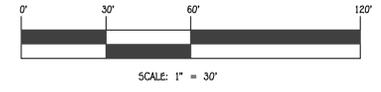


EXHIBIT TO ACCOMPANY
ALTERNATIVE COMPLIANCE
APPLICATION
ARRINGTON MANOR
LOTS 1 THRU 4
LAWYERS HILL ROAD

TAX MAP NO.: 38 GRID: 02 PARCEL NOS: 19
ZONED R-ED
FIRST ELECTION DISTRICT HOWARD COUNTY, MARYLAND
SCALE: AS SHOWN DATE: DECEMBER 2024
SHEET 1 OF 1

OWNER/DEVELOPER
SPEEDFLOOR MID-ATLANTIC LLC
C/O TIMOTHY HARMAN
7118 JOHN CALVERT CT.
ELK RIDGE, MARYLAND 21075
443-506-6108

FISHER, COLLINS & CARTER, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENNIAL SQUARE OFFICE PARK - 10272 BALTIMORE NATIONAL PIKE
ELLSWORTH CITY, MARYLAND 21042
(410) 461-2995

Department of **Planning & Zoning**

HOWARD COUNTY MARYLAND GOVERNMENT
3430 Court House Drive, Ellicott City, Maryland 21043 410-313-2350

Val Lazdins, Director

www.howardcountymd.gov

FAX: 410-313-3467

TDD: 410-313-2323

Certification of Applicant

Advisory Comment – In accordance with Section 16.1103 of Subtitle 11, “Adequate Public Facilities Ordinance” (APFO), all residential subdivisions or site development plans (if subdivision is not required) are required to pass the tests for adequate public school facilities as a condition of approval, except those listed as exemptions under Section 16.1107.

I hereby certify that the information supplied herewith is correct and complete and authorize such periodic on-site inspections by the Department of Planning and Zoning and the Subdivision Review Committee agencies as may be necessary to review this application and any waiver petitions filed in connection herewith and to enforce the Subdivision Regulations and other applicable laws. This right-of-entry shall continue until all administrative appeals pertaining to the property have been exhausted. ***If the applicant is the owner’s agent, written documentation from the property owner granting that authority is required.**

 Timothy HARMAN 7/29/19
(Signature of Property Owner/Agent)* (Print Name of Owner/Agent) (Date)

THARMAN@HUFFNERANDWEBER.COM
(Property Owner’s Email Address)

7116 John Calvert Ct 21095
(Property Owner’s Address) (State and Zip Code)

(Property Owner’s Fax Number)*

Department of **Planning & Zoning**

HOWARD COUNTY MARYLAND GOVERNMENT
3430 Court House Drive, Ellicott City, Maryland 21043 410-313-2350

www.howardcountymd.gov

FAX: 410-313-3467

TDD: 410-313-2323

Professionals' Review Statement

"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional ~~engineer/landscape architect~~ ^{LAND SURVEYOR} under the laws of the State of Maryland, License No. 21476, Expiration Date 7/14/25."

[Seal and signature]

Transmittal of drawings/documents:

[Include a list of everything that requires a professionals' seal]





HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
 3430 Court House Drive ♦ Ellicott City, Maryland 21043
 410-313-2350 ♦ Fax: 410-313-3467 ♦ www.howardcountymd.gov

12/11/2024 10:36 AM Csh 0086 Reg 0060
 T/Ref_0060001201 Grp_000001 E/Lne_000001
 \$50.00
 Validation Number: 0060-002132
 1000000000-3000-432530-3000000000-PWPZ00
 0000000000
 DPZ Plan/Petition Fees

Date: 12/11/24

File No.: WP-25-064 Arrington manor

Check No.: 285 Name: Speedfloor

Received By: Payton

VALIDATION BY FINANCE

	Fund	Business Area and Cost Center	Functional Area	G/L No.	Dept.	Amount Due
Design Manual Waiver \$500 ea.	1000000000	3000000000	PWPZ0000000000	432580		
DPW Prelim Inspection Fee (50%)	1000000000	3100000000	PWPW0000000000	432220		
DPZ Prelim Engineering Fee (50%)	1000000000	3000000000	PWPZ0000000000	432220		
Standard Plan Revisions \$200 ea.	1000000000	3000000000	PWPZ0000000000	432285		
Storm Drainage Fee-in-Lieu: (<input type="checkbox"/> 4040090001 - Little Patuxent, <input type="checkbox"/> 4040090002 - Main Patuxent, <input type="checkbox"/> 4040090000 - Middle Patuxent, <input type="checkbox"/> 4040090003 - Patapsco)	See <input checked="" type="checkbox"/>	1300000000	PWPZ0000000000	431900		
House Model Revisions	1000000000	3000000000	PWPZ0000000000	432280		
Sidewalk Fee-in-Lieu Fees: (<input type="checkbox"/> 4010090001 - Ellicott City, <input type="checkbox"/> 4010090002 - Columbia, <input type="checkbox"/> 4010090003 - Elkridge, <input type="checkbox"/> 4010090004 - Southeast Planning Areas) WBS Element - K0015.0.3100	See <input checked="" type="checkbox"/>	3100000000	PWPW0000000000	431900		
Water and Sewer Fee: DPW (50% of 3.5% of prelim construction) DPZ (50% of 3.5% of prelim construction)	1000000000 1000000000	3100000000 3000000000	PWPW0000000000 PWPZ0000000000	432526	DPW DPZ	
Forest Conservation Fee-in-Lieu	2060000000	3000000000	PWPZ0000000000	432521		
Open Space Fee-in-Lieu (account varies)		1300000000	PWPZ0000000000	431910		
Forest Conservation Inspection Fees	10000000000	5000000000	RPRP0000000000	439990		
Landscape Inspection Fees	1000000000	3000000000	PWPZ0000000000	432105		
Plan/Petition Processing Fees: (Land Development Plans/ Engineering Plans/ BA/ZB/AA Petitions; Special Exceptions; Zoning Verification; etc.); SRC Specials; Non-Standard Plan Revisions; 'Originals Only'; ECP	1000000000	3000000000	PWPZ0000000000	432530	DED DLD	450.00
Soil Conservation District Fees	1000000000	3000000000	PWPZ0000000000	432240		
Photo Copies/Publications/Mailing/ GIS Maps/PDox Fees	1000000000	3000000000	PWPZ0000000000	432800		
Topographic/Floodplain Maps	1000000000	3100000000	PWPW0000000000	432736		
Permanent Public Improvement Contribution	4080000000	3000000000	PWPZ0000000000	431960		
Other: _____						

WHITE PRINT

No. of Sets	No. of Originals	Original Title - Plat No. - Plan No.	Size	Material Type
ACCOUNT NO: <input type="checkbox"/> 1000-3000000000-PWPZ00000000000000-432800			Amount Due	\$ _____

Total Due 450.00

PROJECT CORRESPONDENCE

Project Name(s): Arrington Manor

File Numbers:

Sketch Plan: _____

Preliminary Equivalent Sketch Plan: _____

Preliminary Plan: _____

Final Plan: _____

Alternative Compliance Petition: _____

Site Development Plan: _____

Environmental Concept Plan: _____

WP-25-064

Owner(s):

Speedfloor Mid-Atlantic
LLC

Contact: 443-506-6188

Fax: _____

Contact: _____

Fax: _____

Developer(s):

Speedfloor Mid-Atlantic
LLC

Contact: 443-506-6188

Fax: _____

Contact: _____

Fax: _____

Consultant(s):

FCC

Contact: 410-461-2855

Fax: _____

Contact: _____

Fax: _____

Carbon Copy Recipients: (Indicate by checking box, if they should also receive copy of comments)



DPZ Office Use only: Case No: WP-25-064 Date Filed: 12/11/2024

ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 12/11/2024

Comment Due Date: 12/26/2024

DPZ File No: WP-25-064

Arrington Manor

This request for comments has been distributed to the following Departments.

DPZ – Development Engineering Division	DPZ – Resource Conservation Division
DPZ – Research Division	Recreation and Parks
Department of Fire and Rescue Services	Office of Transportation
Department of Inspections, Licenses & Permits	Office of Community Sustainability
DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

Print Name

Date



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

(410) 313-2355

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DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

No comment.

Patrick Smith

12/12/2024

Print Name

Date



DPZ Office Use only: Case No: WP-25-064 Date Filed: 12/11/2024
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DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

No comments.

Juakita Rideout

12/17/2024

Print Name

Date



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

(410) 313-2350

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DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

No HD review required.

Melanie Eshenbaugh 12/18/24
 Print Name Date



Fisher, Collins and Carter
Centennial Square Office Park
10272 Baltimore National Pike
Ellicott City, MD 21042

Date: December 20, 2024
Re: Arrington Manor
WP-25-064

The above referenced plan has been reviewed by the Howard Soil Conservation District for compliance with sediment control, pond safety, temporary stormwater management, and sensitive area protection requirements. Results of the review are as follows:

- (X) Howard SCD approval is not required. However, the following recommendations and requests are being made to the Department of Planning & Zoning.
- () The plan is approved, subject to signatures being placed on the original(s). Any alterations to the plan shall void approval.
- () Address all comments which, due to their minor nature, may be addressed directly on the original(s) at the time of formal signature approval. There is no need to resubmit the plan.
- () Address all comments as noted below and resubmit the plan for further review.

REVIEW COMMENTS:

1. No objection to granting alternative compliance.

Warning: All soils have limitations, ranging from slight to severe, for building homes, constructing roads and ponds, and various other uses. Please consult the *Soil Survey of Howard County* for determining soil types and their suitability for development, engineering and building.

Technical Review by: Alexander Bratchie
Alexander Bratchie, PE



ALTERNATIVE COMPLIANCE COMMENT FORM

Date: 12/11/2024 Comment Due Date: 12/26/2024 DPZ File No: WP-25-064

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Health Department	State Highway Administration
Public School System	

COMMENTS:

Section 16.120(b)(4)(iii)(b), “For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.”

DPZ/DED defers to DPZ/DLD subject to relocating house to the most front BRL so that:

- 1. each lot can have bigger rear yard.
- 2. reduce unnecessary impervious area for each lot parking area.

Section 16.144(q), “Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation”.

DPZ/DED has no objection.

Nicole Yan 12.24.24
 Print Name Date
E



DPZ Office Use only: Case No: WP-25-064 Date Filed: 12/11/2024
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DPW, Real Estate Services & Directors Office	Soil Conservation District
Health Department	State Highway Administration
Public School System	

COMMENTS:

Health has no comments for this project.

Zack Silvast

12/26/24

Print Name

Date



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

January 17, 2025

Tim Harman
7116 John Calvert Ct.,
Elkridge, MD 21075
Email: tharman@heffnerandweber.com

RE: WP-25-064 Arrington Manor

Dear Mr. Harman:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the review comments in ProjectDox have been addressed, and the following additional information is provided.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before March 3, 2025***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition. **The resubmission of revised plans in ProjectDox must be completed by the applicant and payment of any required additional fees, if applicable, shall be verified by DPZ staff prior to 5:00 p.m. of the deadline date to ensure acceptance of the plan for processing.**

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

***In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

If you have any questions, please contact Kathryn Bolton at (410) 313-3369 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

Attachments:

cc: Research
DLD - Julia Sauer
Real Estate Services
FCC

Jennifer Wellen

From: DoNotReplyHCMD@avolvecloud.com
Sent: Wednesday, February 5, 2025 3:23 PM
To: Pdox
Subject: Upload confirmation for WP-25-064



UPLOAD COMPLETED

Hello FCC,

The following files have been received for project - **WP-25-064 : Arrington Manor**

Files received:

1. Deferral Justification.pdf

Please do not reply to this email.

REVISED

FEB 07 2025

DPZ Land Development

Jennifer Wellen

From: Semmont, Payton <psemmont@howardcountymd.gov>
Sent: Thursday, February 6, 2025 8:32 AM
To: Pdox
Cc: Bolton, Kathryn
Subject: WP-25-064 Arrington Manor

Good morning,

An additional Section of the Howard County Code was requested for Alternative Compliance Request WP-25-064. As this is the third Section requested, a \$50.00 fee is required to accept the plans for active processing. Please drop off a check, made payable to Howard County Director of Finance, as well as 2 paper copies of the project so that DLD can accept the resubmission for the next review cycle.

Please contact me or Kathryn Bolton with any questions.

Thank you,

Payton Semmont

Planning Support Technician II | Division of Land Development
410.313.4351 | psemmont@howardcountymd.gov
3430 Court House Drive, Ellicott City, MD 21043 | [website](#)



**HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING**3430 Court House Drive ♦ Ellicott City, Maryland 21043
410-313-2350 ♦ Fax: 410-313-3467 ♦ www.howardcountymd.gov

2/6/2025 01:02 PM Csh 0069 Reg 0058

T/Ref: 0058009199_Srp_000001_E/L/Line_000001

50.00

Validation Number: 0058-019411

1000000000-3000-432530-3000000000-PwPZ00

0000000000

DPZ Plan/Petition Fees

Date: 2/6/25File No.: WP-25-067 Arlington ManorCheck No.: CASH Name: Jen - FCCReceived By: Payten

VALIDATION BY FINANCE

	Fund	Business Area and Cost Center	Functional Area	G/L No.	Dept.	Amount Due
Design Manual Waiver \$500 ea.	1000000000	3000000000	PWPZ0000000000	432580		
DPW Prelim Inspection Fee (50%)	1000000000	3100000000	PWPW0000000000	432220		
DPZ Prelim Engineering Fee (50%)	1000000000	3000000000	PWPZ0000000000	432220		
Standard Plan Revisions \$200 ea.	1000000000	3000000000	PWPZ0000000000	432285		
Storm Drainage Fee-in-Lieu: (<input type="checkbox"/> 4040090001 - Little Patuxent, <input type="checkbox"/> 4040090002 - Main Patuxent, <input type="checkbox"/> 4040090000 - Middle Patuxent, <input type="checkbox"/> 4040090003 - Patapsco)	See <input checked="" type="checkbox"/>	1300000000	PWPZ0000000000	431900		
House Model Revisions	1000000000	3000000000	PWPZ0000000000	432280		
Sidewalk Fee-in-Lieu Fees: (<input type="checkbox"/> 4010090001 - Ellicott City, <input type="checkbox"/> 4010090002 - Columbia, <input type="checkbox"/> 4010090003 - Elkridge, <input type="checkbox"/> 4010090004 - Southeast Planning Areas) WBS Element - K0015.0.3100	See <input checked="" type="checkbox"/>	3100000000	PWPW0000000000	431900		
Water and Sewer Fee: DPW (50% of 3.5% of prelim construction) DPZ (50% of 3.5% of prelim construction)	1000000000 1000000000	3100000000 3000000000	PWPW0000000000 PWPZ0000000000	432526	DPW DPZ	
Forest Conservation Fee-in-Lieu	2060000000	3000000000	PWPZ0000000000	432521		
Open Space Fee-in-Lieu (account varies)		1300000000	PWPZ0000000000	431910		
Forest Conservation Inspection Fees	1000000000	5000000000	RPRP0000000000	439990		
Landscape Inspection Fees	1000000000	3000000000	PWPZ0000000000	432105		
Plan/Petition Processing Fees: (Land Development Plans/ Engineering Plans/ BA/ZB/AA Petitions; Special Exceptions; Zoning Verification; etc.); SRC Specials; Non-Standard Plan Revisions; 'Originals Only'; ECP	1000000000	3000000000	PWPZ0000000000	432530	DED DLD	50.00
Soil Conservation District Fees	1000000000	3000000000	PWPZ0000000000	432240		
Photo Copies/Publications/Mailing/ GIS Maps/PDox Fees	1000000000	3000000000	PWPZ0000000000	432800		
Topographic/Floodplain Maps	1000000000	3100000000	PWPW0000000000	432736		
Permanent Public Improvement Contribution	4080000000	3000000000	PWPZ0000000000	431960		
Other: _____						

WHITE PRINT

No. of Sets	No. of Originals	Original Title - Plat No. - Plan No.	Size	Material Type
ACCOUNT NO: <input type="checkbox"/> 1000-3000000000-PWPZ00000000000000-432800 <input type="checkbox"/> _____			Amount Due	\$ _____

Total Due **\$50.00**



**FISHER, COLLINS
& CARTER, INC.**

CIVIL ENGINEERING CONSULTANTS
and LAND SURVEYORS

Terrell A. Fisher, P.E., L.S., *Founder, Co-Chairman Emeritus*
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Frank J. Manalansan II, L.S., *President*
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Paul G. Cavanaugh, P.E., *Senior Vice President, Engineering & Construction*
Robert E. Walker, P.L.S., *Director, Surveys*
Mitchell J. Kellman, *Vice President, Zoning*

January 24, 2025

Mr. Anthony Cataldo, Chief
Howard County Department of Planning & Zoning
Division of Land Development
3430 Court House Drive
Ellicott City, MD 21043

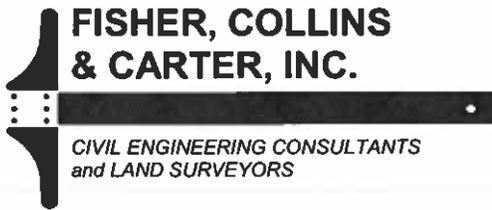
Re: Deferral Response to WP-25-064
Arrington Manor

Dear Mr. Cataldo,

In response to your letter dated January 17, 2025, requesting Section 16.144(p) be added to the WP-25-064 Alternative Compliance Request this office would like to request an extension to the deadline date of December 29, 2024 to Section 16.144(p) for the Completion of Developer's Agreements. This request is for the County to have adequate time to review Mr. & Mrs. Harmon request to place a forest conservation easement on site. This project has had extensive review and to deny the extension request would result in the voiding of all previously approved plans and cause considerable hardship to the owner. Our recommended solution is to grant a 60-day extension to the 120-day deadline date of December 29, 2024, in order to have the adequate time for the ACA to be reviewed. Granting the Alternative Compliance request does not relax any technical requirement and approval of this alternative compliance promotes efficiency of the plan review process

Background

- Arrington Manor, Lots 1 thru 4
- ECP-20-017 Approved on May 27, 2020
- WP-20-068 Submitted 1/7/2020
- F-20-047 Submitted 1/15/2020
- WP-20-068 Deferral – New Application Required 02/05/2020
- F-20-047 - First Revision requested
- WP-20-068 Re-submit 3/24/2020
- WP-20-068 no action letter 4/14/2020
- F-20-047 Revised 2nd submission 6/11/2020
- WP-20-068 Revised re-submitted 6/15/2020



- WP-20-068 Approval with conditions 3/24/2021
- F-20-047 Second Revision requested 3/25/2021
- F-20-047 Revised Submission Re-Submitted 5/18/2021
- F-20-047 Third Revision requested 07/02/2021
- F-20-047 FCC was notified that Rec and Parks was not taking possession of the open space and revised the layout accordingly 8/3/2021
- F-20-047 Revised Submission Resubmitted 8/16/2021
- F-20-047 County Meeting 9/20/2021
- F-20-047 Fourth Revision requested 9/29/2021
- F-20-047 County Meeting 10/21/2021
- F-20-047 Design Manual Waiver is submitted to allow use of NOAA Atlas 14 rainfall data 12/22/2021
- F-20-047 Revised Submission Re-Submitted
- F-20-047 Design Manual Waiver approved 02/14/2022
- F-20-047 Fifth Revision Requested
- WP-22-108 Submit ACA for Forest Conservation Easements on Lot and Irregular Lot Configuration 04/08/2022
- F-20-047 Revised Submission Re-Submitted 4/11/2022
- F-20-047 Sixth Revision requested 5/26/2022
- WP-22-108 ACA Denied 06/15/2022
- F-20-047 Revised Submission Re-Submitted 07/11/2022
- WP-22-108 Reconsideration for removal of Specimen Tree #4 (Dead) 7/14/2022
- WP-22-108 to allow removal of Specimen Tree #4 (Dead) denied 8/19/2022
- WP-23-044 Approved 11/7/2022
- F-20-047 Technically Complete went in to hold bin 11/16/2022
- F-20-047 Remains in Hold Bin 08/01/2023\
- F-20-047 Pass School Test 07/02/2024 Proceed with Project
- WP-25-064 Submitted on 12/10/2024
- WP-25-064 Received Deferral on January 17, 2025

Should you have any questions in this matter please contact me at 410-461-2855.

Very Truly Yours,
Fisher Collins & Carter, Inc.

Frank Manalansan, II L.S.

W.O. 18041

ALTERNATIVE COMPLIANCE
DEPARTMENT OF PLANNING AND ZONING
Division of Land Development
Staff Recommendation

To: Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

Thru: Anthony M. Cataldo, AICP, Chief
Division of Land Development

From: Kathryn Bolton, Division of Land Development
kbolton@howardcountymd.gov

RE: **WP-25-064 Arrington Manor**

Applicant: **Tim Harman**
7116 John Calvert Ct.
Elkridge, MD 21075
Email: tharman@heffnerandweber.com

Alternative Compliance Request(s):

The applicant is requesting alternative compliance to the following section of the Subdivision and Land Development Regulations:

- **Section 16.120(b)(4)(iii)** which states residential lots shall be designed to be usable in terms of not being encumbered by environmentally sensitive features.
- **Section 16. 144(p)** which states that within 120 days of receiving approval of the final plan the developer shall pay all required fees to the county and post all monies and file appropriate surety covering the developer's financial obligations for the required public improvements.
- **Section 16.144(q)** which states that within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

The applicant proposes subdividing the parcel into four lots and placing a portion of the required forest conservation easement at the rear of each lot. Additionally, the applicant requests a 60-day extension for the completion of the Developer's Agreement, payment of fees, and the final record plat submission deadline from February 27, 2025, to April 28, 2025.

Site Description: The subject property contains approximately 2.140 ± acres and is located on the northwest side of Lawyers Hill Road. The property is sited on Tax Map 36, Grid 2, Parcel 19, in the First Election District of Howard County, Maryland. The property is zoned R-ED (Residential: Environmental Development) District but will be developed under the R-20 regulations per Section 107.0.1.1 of the Howard County Zoning Regulations. The site is mostly wooded. No wetlands or streams are onsite, but there is a wetland buffer and a stream bank buffer on the west end of the property. The northwest and west end of the property is encumbered with floodplain.

Brief Plan/Site History Relevant to Alternative Compliance Request:

- **ECP-19-047:** The proposal to subdivide an existing lot into four lots, was reviewed and approved by the Department of Planning and Zoning and received signature approval January 15, 2020.
- **WP-20-068:** The request to allow relief from Section 16.116(a)(2)(ii) to encroach into a stream bank buffer to remove an existing culvert, headwall, and driveway and Section 16.1205(a)(3) to remove five (5) of the ten (10) specimen trees on-site. The request for relief to these Sections was approved March 24, 2021. Only three (3) of the proposed specimen trees (ST#1-3) were allowed.
- **WP-22-108:** The request to allow relief from Section 16.120(b)(4)(i) to have irregularly shaped lots and Section 16.120(b)(4)(iii) to allow forest conservation easements along a large portion of all four lots. This request was denied June 15, 2022. A reconsideration was reviewed and denied for this alternative compliance request on August 8, 2022.
- **WP-23-044:** The request to allow relief from Section 16.1205(a)(3) to remove two (2) of the 5 remaining specimen trees onsite. The request for relief was approved November 7, 2022, for specimen trees #4 and #8.
- **F-20-047:** The final plan for the proposed 4 lot subdivision. The plan was determined to be technically complete on November 16, 2022, but was placed on hold as the project failed the Adequate Public Facilities Ordinance (APFO) test for a closed school district. The project passed APFO, and plan processing resumed July 2, 2024. Final plat originals submission was due on or before December 29, 2024
- **Extension Request:** The applicant requested a 60-day extension to submit the final plat originals based on government delay. The request was granted by the Department of Planning and Zoning (DPZ), extending the deadline to February 27, 2025.

Alternative Compliance Action:

The Division of Land Development recommends **APPROVAL** for **Section 16.144(p) and Section 16.144(q)** of the Subdivision and Land Development Regulations subject to the following conditions:

1. Completion of the Developer's Agreement and payment of fees for F-20-047 **on or before April 28, 2025.**
2. Submission of the original Final Plat to the Division of Land Development for signature approval and recordation **on or before April 28, 2025.**

Justification for Recommendation:

The Division of Land Development recommends **DENIAL** of alternative compliance to **Section 16.120(b)(4)(iii)** of the Subdivision and Land Development Regulations and find that strict enforcement of the above-cited regulations would **not** result in an unreasonable hardship or practical difficulty. Pursuant to Section 16.104(a)(1), this determination was made considering the following:

Subtitle 1, Article II, Section 16.120(b)(4)(iii)

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

The applicant is requesting relief from Section 16.120(b)(4)(iii) to allow the four subdivided lots to be encumbered with a forest conservation easement along the rear of the lots. The sight has environmental features and buffers on the northwest corner and west end of the property. These environmental areas are mostly along the property boundary, offsite, and not central to the main developable area of the existing site. The proposed forest conservation easement area is positioned to span across all four lots with a width of 35 feet. The easement is proposed to be approximately 60 feet from the rear of the proposed dwellings, however there is a 35' environmental easement setback which would apply from the new forest conservation easement. This would leave 25' of yard space immediately behind the homes which also must include the required storm water management facilities.

This request was previously submitted and denied. While the subdivision plan has since received technical completion, with forest conservation requirements met through forest conservation banking. There has been no change to the site or regulations that would impact the standards outlined in Section 16.120(b)(4)(iii) since the issuance of TC for this project. Granting relief in this case would create an inconsistency with similar properties where the requirement has been enforced.

DPZ consistently responds to encroachment issues and violations with Forest Conservation Easements on and adjacent to residential lots. The intent of 16.120(b)(4) is to create a usable lot design that provides the area for SWM and yard space, commonly expected on residential lots. Future owners of these lots would expect the ability to use a reasonable portion of their backyard which, in this case, would be significantly limited. Strict conformance with the requirements will not deprive the applicant of rights commonly enjoyed by others developing an R-ED parcel with lots less than 10 areas.

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 site has environmental features and buffers on the northwest corner and west end of the property. These unique topographical conditions do not result in practical difficulty because the environmental areas are mostly along the property boundary, offsite, and not central to the developable area. The applicant is proposing four lots on this environmentally encumbered site. A development with fewer lots or in an alternative design, as was previously approved under WP-20-068, would provide the applicant with the opportunity to meet the regulations. Therefore, these conditions do not create an unreasonable hardship.

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

The Subdivision and Land Development Regulations only permit floodplains, wetlands, streams, their buffers, and forest conservation easements on the individual lots in instances where they are 10 acres or greater in size or in R-20 infill subdivisions that are restricted from using optional lot sizes and those areas are no closer than 35 feet from the environmental features. This proposal does not meet either of these criteria. The proposed lots are significantly smaller than 10 acres. As proposed, they would be encumbered by environmental features which would significantly reduce the usability of the property by the future owners and due to a history of encroachment issues and violations with other subdivisions that included Forest Conservation Easements on residential lots, the proposed layout for this project does not promote usable design. Allowing relief from these sections of code will provide the applicant with a special privilege that would typically be denied to other applicants

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

There is no evidence that this modification would be detrimental to the public health, safety or welfare, or injurious to other properties in the immediate area. However, if approved, this action would be inconsistent with the requirements to create usable outdoor space for the future residents. The Forest Conservation easement area, though meeting the minimum width, would only be 35' of retained forest. The retention area would not provide owners with the ability to remove dead/fallen debris, mow, manicure, place sheds, play equipment, etc. within the easement. With limited space available on their lots to do this outside of the swm facilities, there would be significant pressure to hold the forest conservation easement boundary line within such proximity to the homes and avoid clearing for private use. Intrusion into designated forest conservation easement would be detrimental to the feature the regulations are designed to protect.

The Division of Land Development recommends **APPROVAL** of alternative compliance to **Section 16.144(p) and (q)** of the Subdivision and Land Development Regulations and find that strict enforcement of the above-cited regulations would result in an unreasonable hardship or practical difficulty. Pursuant to Section 16.104(a)(1), this determination was made considering the following:

Subtitle 1, Article IV, Section 16.144 (p) and (q)

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

The purpose of the extension request was to provide the applicant time to make the proposed revisions to the plan for the placement of forest conservation easements (FCE) on individual lots of less than ten acres. The request for onsite FCE was denied, but the time extension is granted to allow the applicant additional time to process and establish the previously approved forest conservation requirements and any address outstanding issues for the processing of the approved final plan for the project. The applicant has requested a 60-day extension to the previously approved deadline of February 27, 2025. Strict compliance with the regulations would create an unreasonable hardship, by requiring the applicant to resubmit a new final plan, which would match the existing plan that was reviewed by County Agencies and was determined to be technically complete. Approval of the alternative compliance promotes efficiency of the plan review process since all agency comments have been addressed on the current final plan.

Kathryn Bolton 3/20/25
Prepared by Date

DocuSigned by:

Anthony M. Cataldo, AICP, Chief 4/4/25
Division of Land Development Date

ACTION OF THE PLANNING DIRECTOR

- Approval subject to the conditions as outlined above and/or modified on this form.
- Approval of Sections 16.144(p) and 16.144(q) subject to the conditions as outlined above and/or modified on this form and denial of Section 16.120(b)(4)(iii).
- Denial based on the above reasons.

DocuSigned by:

Lynda Eisenberg, AICP, Director 4/23/2025
Department of Planning and Zoning Date



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

April 28, 2025

Tim Harman
7116 John Calvert Ct
Elkridge, MD 21075
tharman@heffnerandweber.com

RE: WP-25-064 Arrington Manor

Dear Mr. Harman:

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 April 23, 2025 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning considered and **approved** your request for alternative compliance with respect to **Section 16.144(p)** and **Section 16.144(q)** of the Subdivision and Land Development Regulations to receive a 60-day extension from the original February 27, 2025 deadline to complete the Developer's Agreement, pay all required fees, and submit the final record plat. However, the Director of the Department of Planning and Zoning considered and **denied** your request for alternative compliance with respect to **Section 16.120(b)(4)(iii)** of the Subdivision and Land Development Regulations.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.144(p) and 16.144(q) would result in unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

The purpose of the extension request was to provide the applicant time to make the proposed revisions to the plan for the placement of forest conservation easements (FCE) on individual lots of less than ten acres. The request for onsite FCE was denied, but the time extension is granted to allow the applicant additional time to process and establish the previously approved forest conservation requirements and any address outstanding issues for the processing of the approved final plan for the project. The applicant has requested a 60-day extension to the previously approved deadline of February 27, 2025. Review of the alternative compliance application exceeded the original requested extension; therefore, the Department of Planning and Zoning is willing to grant a 90-day extension from the original February 27, 2025 deadline date. Strict compliance with the regulations would create unreasonable hardship by requiring the applicant to resubmit a new final plan, which would match the existing plan that was reviewed by County Agencies and was determined to be technically complete. Approval of the alternative compliance promotes efficiency of the plan review process since all agency comments have been addressed on the current final plan.

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

1. Completion of the Developer's Agreement and payment of fees for F-20-047 **on or before May 29, 2025.**
2. Submission of the original Final Plat to the Division of Land Development for signature approval and recordation **on or before May 29, 2025.**

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, site development plans, and building permits. This alternative compliance approval will remain valid for the time period specified in the conditions of approval.

The Department of Planning and Zoning finds that strict enforcement of Section 16.120(b)(4)(iii) would not result in unreasonable hardship or practical difficulty. 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 is requesting relief from Section 16.120(b)(4)(iii) to allow the four subdivided lots to be encumbered with a forest conservation easement along the rear of the lots. The site has environmental features and buffers on the northwest corner and west end of the property. These environmental areas are mostly along the property boundary, offsite, and not central to the main developable area of the existing site. The proposed forest conservation easement area is positioned to span across all four lots with a width of 35 feet. The easement is proposed to be approximately 60 feet from the rear of the proposed dwellings, however there is a 35' environmental easement setback which would apply from the new forest conservation easement. This would leave 25' of yard space immediately behind the homes which also must include the required storm water management facilities.

This request was previously submitted and denied. The subdivision plan has since received technical completion (TC) with forest conservation requirements met through forest conservation banking. There has been no change to the site or regulations that would impact the standards outlined in Section 16.120(b)(4)(iii) since the issuance of TC for this project. Granting relief in this case would create an inconsistency with similar properties where the requirement has been enforced.

DPZ consistently responds to encroachment issues and violations with Forest Conservation Easements on and adjacent to residential lots. The intent of 16.120(b)(4) is to create a usable lot design that provides the area for Stormwater Management (SWM) and yard space, commonly expected on residential lots. Future owners of these lots would expect the ability to use a reasonable portion of their backyard which, in this case, would be significantly limited. Strict conformance with the requirements will not deprive the applicant of rights commonly enjoyed by others developing an R-ED parcel with lots less than 10 acres.

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 site has environmental features and buffers on the northwest corner and west end of the property. These unique topographical conditions do not result in practical difficulty because the environmental areas are mostly along the property boundary, offsite, and not central to the developable area. The applicant is proposing four lots on this environmentally encumbered site. A development with fewer lots or in an alternative design, as was previously approved under WP-20-068, would provide the applicant with the opportunity to meet the regulations. Therefore, these conditions do not create unreasonable hardship.

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

The Subdivision and Land Development Regulations only permit floodplains, wetlands, streams, their buffers, and forest conservation easements on the individual lots in instances where they are 10 acres or greater in size

or in R-20 infill subdivisions that are restricted from using optional lot sizes and those areas are no closer than 35 feet from the environmental features. This proposal does not meet either of these criteria as the proposed lots are significantly smaller than 10 acres. As proposed, these lots would be encumbered by environmental features which would significantly reduce the usability of the property by the future owners and due to a history of encroachment issues and violations with other subdivisions that included Forest Conservation Easements on residential lots, the proposed layout for this project does not promote usable design. Allowing relief from these sections of code will provide the applicant with a special privilege that would typically be denied to other applicants.

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

There is no evidence that this modification would be detrimental to the public health, safety or welfare, or injurious to other properties in the immediate area. However, if approved, this action would be inconsistent with the requirements to create usable outdoor space for the future residents. The Forest Conservation easement area, though meeting the minimum width, would only be 35' of retained forest. The retention area would not provide owners with the ability to remove dead/fallen debris, mow, manicure, place sheds, play equipment, etc. within the easement. With limited space available on their lots to do this outside of the SWM facilities, there would be significant pressure to hold the forest conservation easement boundary line within such proximity to the homes and avoid clearing for private use. Intrusion into designated forest conservation easement would be detrimental to the feature the regulations are designed to protect.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/ps

cc: Research
DLD - Julia Sauer
Real Estate Services



Terrell A. Fisher, P.E., L.S.; *Founder, Co-Chairman Emeritus*
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*
Paul G. Cavanaugh, P.E.; *Senior Vice President, Engineering & Construction*
Robert E. Walker, P.L.S.; *Director, Surveys*
Mitchell J. Kellman; *Vice President, Zoning*

May 17, 2025

Mr. Anthony Cataldo
Division of Land Development
Dept. of Planning & Zoning
3430 Courthouse Dr.
Ellicott City, MD 21043

RE: WP-25-064
Arrington Manor
Alternative Compliance Reconsideration

Dear Anthony:

On behalf of our client, and in response to your letter dated April 28, 2025, and follow up May 8, 2025 meeting, we are requesting a reconsideration to the above-referenced Alternative Compliance Application (“ACA”) for the Arrington Manor project. This project has a Forest Conservation obligation of 1.3 acres, which our client is electing to pay the County fee-in-lieu for 1 acre and is only requesting to meet the remaining 0.3 acre of obligation on-site. This reconsideration request includes:

Section 16.120(b)(4) Usable design. Residential lots shall be designed to be usable in terms of:
(iii) Not being encumbered by environmentally sensitive features:
(b) For a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

And

Section 16.144(q): Final Subdivision Plat “Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation”.

To assist in your review, we have included both the County comments on the April 28, 2025 letter and our responses to the Section 16.120(b)(4)(iii) request denial below.

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

The applicant is requesting relief from Section 16.120(b)(4)(iii) to allow the four subdivided lots to be encumbered with a forest conservation easement along the rear of the lots. The site has environmental features and buffers on the northwest corner and west end of the property. These environmental areas are mostly along the property boundary, offsite, and not central to the main developable area of the existing site. The proposed forest conservation easement area is positioned to span across all four lots with a width of 35 feet. The easement is proposed to be approximately 60 feet from the rear of the proposed dwellings, however there is a 35' environmental easement setback which would apply from the new forest conservation easement. This would leave 25' of yard space immediately behind the homes which also must include the required storm water management facilities.

This request was previously submitted and denied. The subdivision plan has since received technical completion (TC) with forest conservation requirements met through forest conservation banking. There has been no change to the site or regulations that would impact the standards outlined in Section 16.120(b)(4)(iii) since the issuance of TC for this project. Granting relief in this case would create an inconsistency with similar properties where the requirement has been enforced.

DPZ consistently responds to encroachment issues and violations with Forest Conservation Easements on and adjacent to residential lots. The intent of 16.120(b)(4) is to create a usable lot design that provides the area for Stormwater Management (SWM) and yard space, commonly expected on residential lots. Future owners of these lots would expect the ability to use a reasonable portion of their backyard which, in this case, would be significantly limited. Strict conformance with the requirements will not deprive the applicant of rights commonly enjoyed by others developing an R-ED parcel with lots less than 10 acres.

Response:

The comment above notes that this request was previously submitted and denied, however this request is based on a new layout that we believe removes the County's concern regarding usable rear yard. The original request (WP-22-108) proposed the 35' Environmental Easement Setback at the rear of the homes, but this proposed setback is placed to provide 25' of rear yard unencumbered by setbacks.

After receiving Technically Complete, we have found that the original Forest Bank that was pursued is no longer an option. Attempts are currently ongoing to acquire forest from other

banks. It is worth noting that there are not many forest conservation easements in Lawyers Hill area nor does a Forest Bank open to purchase exist within the watershed where this project resides, giving further evidence that additional forest easements are warranted in this area.

The above comment also notes the Department of Planning and Zoning need to respond to encroachment issues and violations. The owner/developer of this project has offered additional signage and protection for the proposed forest easement. This would include a split rail fence that would better demarcate the forest easement limits but not take away from the view of the protected forest. An earlier design that would have utilized open space for a proposed forest easement, without fencing, on this property was considered acceptable without suggestions of possible encroachments or violations. Although the forest easement would now be on-lot, the concern for forest easement encroachments on this particular project has the appearance of sacrificing the importance of practicality to a lesser technicality. Directly across Lawyers Hill Road is the C. Wehland Property which, although off-lot, has environmental buffers and Forest Conservation Easement approximately 25' from the rear of the home and approximately 8' from the side of the home. This is also the same stream and floodplain system that we are also proposing to overlay with a forest conservation easement

With the latest layout it would be arbitrary and capricious to suggest that the proposed lots would not have reasonable use of the property. As part of the re-design to remove the request for irregularly lot design, our position is that we have adequately alleviated the County concern that this project does not provide enough usable space in the rear yard.

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 site has environmental features and buffers on the northwest corner and west end of the property. These unique topographical conditions do not result in practical difficulty because the environmental areas are mostly along the property boundary, offsite, and not central to the developable area. The applicant is proposing four lots on this environmentally encumbered site. A development with fewer lots or in an alternative design, as was previously approved under WP-20-068, would provide the applicant with the opportunity to meet the regulations. Therefore, these conditions do not create unreasonable hardship.

Response:

Only a small percentage of residential properties in Howard County are bordered by the I-95 noise wall and only few in the Lawyers Hill community. Where a protective easement was not provided on the Wie Lu Property to the west of the subject property, clearing has occurred up to this noise wall.

Unless we have misinterpreted the meaning, we find the statement, “A development with fewer lots or in an alternative design, as was previously approved under WP-20-068, would provide the applicant with the opportunity to meet the regulations.” to be disingenuous. This project does not have an issue with accommodating the four proposed homes. Our request is related to providing on-site forest easement. Although the previous request under WP-20-068 was approved, the County provided late notice (after multiple prior reviews) that the open space would not be accepted, and the design was unable to move forward. Please clarify if open space would be allowed on this project.

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

The Subdivision and Land Development Regulations only permit floodplains, wetlands, streams, their buffers, and forest conservation easements on the individual lots in instances where they are 10 acres or greater in size or in R-20 infill subdivisions that are restricted from using optional lot sizes and those areas are no closer than 35 feet from the environmental features. This proposal does not meet either of these criteria as the proposed lots are significantly smaller than 10 acres. As proposed, these lots would be encumbered by environmental features which would significantly reduce the usability of the property by the future owners and due to a history of encroachment issues and violations with other subdivisions that included Forest Conservation Easements on residential lots, the proposed layout for this project does not promote usable design. Allowing relief from these sections of code will provide the applicant with a special privilege that would typically be denied to other applicants.

Response:

The above comment notes that this project does not meet either of the criteria where forest easement is allowed on-lot. Should the inability to meet a technical requirement be the standard, then all Alternative Compliance Applications would be without value. We feel a reconsideration of this standard would be appropriate as well as the position that the usable area of the lots would be “significantly” reduced.

The granting of the requested variance will not confer a special privilege on the Applicant that would be denied to other applicants, it would be beneficial to the surrounding neighbors and the future homeowners. Based on the community meeting on this project and the multiple meetings and hearings on the Lawyers Hill project F-23-016 located half a mile to the east, it is reasonable to assume that Lawyers Hill community would prefer the noise wall and floodplain to be buffered by protected forest easement. We feel it important to restate that there are not many forest conservation easements providing protection in the Lawyers Hill area.

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

There is no evidence that this modification would be detrimental to the public health, safety or welfare, or injurious to other properties in the immediate area. However, if approved, this action would be inconsistent with the requirements to create usable outdoor space for the future residents. The Forest Conservation easement area, though meeting the minimum width, would only be 35' of retained forest. The retention area would not provide owners with the ability to remove dead/fallen debris, mow, manicure, place sheds, play equipment, etc. within the easement. With limited space available on their lots to do this outside of the SWM facilities, there would be significant pressure to hold the forest conservation easement boundary line within such proximity to the homes and avoid clearing for private use. Intrusion into designated forest conservation easement would be detrimental to the feature the regulations are designed to protect

Response:

All parties appear to be in agreement that there is no evidence that this modification would be detrimental to the safety or welfare, or injurious to other properties in the immediate area. We do not agree that we would be inconsistent with the requirements to create usable outdoor space. The revised layout/design has increased the area of rear yard unencumbered with environmental easement and there is also 35' of environmental easement that restricts placement of structures but not use. We are providing larger rear yards than the development located just opposite Lawyers Hill Road. We disagree that the revised rear yards are too "limited" and that the future homeowners will be pressured to disturb the proposed forest easement. On the contrary if the developer left this buffer in-place without an easement, any of the future homeowners, particularly on Lots 1-3, could clear this buffer diminishing the overall forest buffer and subsequently enticing the neighbors to remove this buffer as well. With over 60 feet to the forest easement and the addition of signage and a split rail fence, we feel that any reasonable property owner would respect the forest limits.

Although the applicant is requesting reconsideration to place a forest conservation easement on site, which we believe would be the best solution for all parties, with limited forest banks and not a public option for forest banking, our client would be open to pay a fee-in-lieu for the remaining 0.3 acre obligation if an avenue for this solution is made available.

Alternative Compliance to Section 16.144(q): Final Subdivision Plat “Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signature and recordation”.

Background

- Arrington Manor, Lots 1 thru 4
- ECP-20-017 Approved on May 27, 2020
- WP-20-068 Submitted 1/7/2020
- F-20-047 Submitted 1/15/2020
- WP-20-068 Deferral – New Application Required 02/05/2020
- F-20-047 - First Revision requested
- WP-20-068 Re-submit 3/24/2020
- WP-20-068 no action letter 4/14/2020
- F-20-047 Revised 2nd submission 6/11/2020
- WP-20-068 Revised re-submitted 6/15/2020
- WP-20-068 Approval with conditions 3/24/2021
- F-20-047 Second Revision requested 3/25/2021
- F-20-047 Revised Submission Re-Submitted 5/18/2021
- F-20-047 Third Revision requested 07/02/2021
- F-20-047 FCC was notified that Rec and Parks was not taking possession of the open space and revised the layout accordingly 8/3/2021
- F-20-047 Revised Submission Resubmitted 8/16/2021
- F-20-047 County Meeting 9/20/2021
- F-20-047 Fourth Revision requested 9/29/2021
- F-20-047 County Meeting 10/21/2021
- F-20-047 Design Manual Waiver is submitted to allow use of NOAA Atlas 14 rainfall data 12/22/2021
- F-20-047 Revised Submission Re-Submitted
- F-20-047 Design Manual Waiver approved 02/14/2022
- F-20-047 Fifth Revision Requested
- WP-22-108 Submit ACA for Forest Conservation Easements on Lot and Irregular Lot Configuration 04/08/2022
- F-20-047 Revised Submission Re-Submitted 4/11/2022
- F-20-047 Sixth Revision requested 5/26/2022

**FISHER, COLLINS
& CARTER, INC.**

CIVIL ENGINEERING CONSULTANTS
and LAND SURVEYORS

- WP-22-108 ACA Denied 06/15/2022
- F-20-047 Revised Submission Re-Submitted 07/11/2022
- WP-22-108 Reconsideration for removal of Specimen Tree #4 (Dead) 7/14/2022
- WP-22-108 to allow removal of Specimen Tree #4 (Dead) denied 8/19/2022
- WP-23-044 Approved 11/7/2022
- F-20-047 Technically Complete went in to hold bin 11/16/2022
- F-20-047 Remains in Hold Bin 08/01/2023
- F-20-047 Pass School Test 07/02/2024 Proceed with Project

The applicant is requesting an extension for submittal of the final record plat from the December 29, 2024 deadline. This request is for the County to have adequate time to review Mr. & Mrs. Harmon reconsideration request to place a forest conservation easement on site. As you see above this project has had extensive review to deny the extension request would result in the voiding of all previously approved plans and cause considerable hardship to the owner. Our recommended solution is to grant a 60-day extension to the revised due date in order to have the adequate time for this reconsideration request to be reviewed. Granting the Alternative Compliance request does not relax any technical requirement and approval of this alternative compliance promotes efficiency of the plan review process.

To accompany this re-consideration request, we are enclosing three (3) copies of the previously submitted Exhibit to accompany the Alternative Compliance Application.

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



Frank Manalansan, II, L.S.

cc: Lynda Eisenberg
Chad Edmondson



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

August 27, 2025

Tim Harman
7116 John Calvert Ct
Elkridge, MD 21075
tharman@heffnerandweber.com

RE: WP-25-064 Arrington Manor
Reconsideration Request

Dear Mr. Harman:

This letter is to inform you that your request for reconsideration to reverse the Department's denial of the alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On August 27, 2025, the Director of the Department of Planning and Zoning considered and **denied your reconsideration request** with respect to **Section 16.120(b)(4)(iii)** of the Subdivision and Land Development Regulations, **which requires that lots and parcels less than 10 acres not being encumbered by forest conservation easements**, to allow the placement of a portion of the required forest conservation easement at the rear of each lot. However, the Director considered and **approved your reconsideration request** with respect to **Section 16.144(p) (the payment of fees and posting of financial obligations within 120 days of receiving approval of the final plan)** and **Section 16.144(q) (the developer shall submit to the Department of Planning and Zoning the final subdivision plat for recordation and approval within 180 days of final plan approval)** of the Subdivision and Land Development Regulations, and **grants a 180-day extension from the extended May 28, 2025 deadline to complete the Developer's Agreement, pay all required fees, and submit the final record plat.**

Reconsideration Denial of this Alternative Compliance to Section 16.120(b)(4)(iii) of the Subdivision and Land Development Regulations is based on the following:

The Planning Director hereby **denies your reconsideration request** and determined that you have not satisfactorily demonstrated that strict enforcement of **Section 16.120(b)(4)(iii)** would result in an unreasonable hardship or practical difficulty.

The Department of Planning and Zoning is denying the reconsideration request for relief from Section **16.120(b)(4)(iii)** 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. Placing forest conservation easements on residential lots of this size has consistently led to long-term encroachment issues, as future homeowners often attempt to use the space for typical backyard activities that conflict with easement restrictions.** The proposed lots are significantly smaller than the size typically considered appropriate for accommodating forest conservation easements, raising concerns under Section 16.104(b)(2), which states that a waiver shall not have the effect of nullifying the intent and purpose of the subtitle. Allowing onsite easements on lots of this size would undermine that intent, which includes ensuring the long-term protection of environmental resources while maintaining practical and enforceable development standards. There are no unique physical site constraints that prevent compliance. The environmental features on the property are generally located along the boundaries and outside the primary development area. The subdivision has already achieved technical completion, with forest conservation requirements proposed to be met through off-site banking. Approving this request would confer a special privilege not granted to others and would contradict the regulation's intent to preserve usable yard space while protecting environmental resources. Although the modification is not directly detrimental to public health or safety, it would create long-term enforcement challenges and reduce the effectiveness of the forest conservation program.

The Planning Director hereby **approves your reconsideration request** and determined that you have satisfactorily demonstrated that strict enforcement of **Sections 16.144(p) and Section 16.144(q)** would result in an unreasonable

hardship or practical difficulty and additional time requested for the extension is warranted. The length of the extension has been increased from your original request in consideration of the processing time of this alternative compliance request.

Reconsideration Approval of this Alternative Compliance to Sections 16.144(p) and 16.144(q) of the Subdivision and Land Development Regulations is subject to the following conditions:

- Completion of the Developer's Agreement and payment of fees for F-20-047 **on or before November 24, 2025.**
- Submission of the original Final Plat to the Division of Land Development for signature approval and recordation **on or before November 24, 2025.**

The Planning Director's decision was based on the following:

- On April 28, 2025, pursuant to Section 16.104, the Director of the Department of Planning and Zoning (DPZ) approved your request for alternative compliance with respect to Sections 16.144(p) and 16.144(q) of the Subdivision and Land Development Regulations. This approval established a new milestone date of May 28, 2025.
- On May 28, 2025, DPZ received a request to reconsider the denial of Section 16.120(b)(4)(iii) and to grant a 60-day extension to the revised due date to allow time for DPZ to complete its review of the reconsideration request. The applicant requested additional time to process the Developer's Agreement and to submit the plat mylars while the reconsideration request is under review.

The Planning Director hereby determines that you have demonstrated to its satisfaction that strict enforcement of Sections 16.144(p) and Section 16.144(q) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Unreasonable hardship or practical difficulties may result from strict compliance with the regulations. The applicant has requested an additional 60-day extension to the previously approved May 28, 2025, deadline to allow for the processing and review of a reconsideration request. Staff is proposing a 180-day extension to the May 28, 2025, deadline. Approval of this extension will provide adequate time for the applicant to finalize the Developer's Agreement and submit the plat mylar for recordation. Given the established review history of the plan, granting this extension will allow the project to remain active while completing the required processing. Approval of the alternative compliance promotes efficiency of the plan review process since all agency comments have been addressed on the current final plan.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits.

If you have any questions, please contact Kathryn Bolton at (410) 313-3369 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Jill Manion, Acting Chief
Division of Land Development

JM/kb

cc: Research
DED
DLD
Real Estate Services
FCC