



DPZ office use only:
 BA Case No.: BA-828D
 Date Submitted: 4/14/2026

**PETITION OF APPEAL OF
 HEARING EXAMINER DECISION
 TO THE HOWARD COUNTY BOARD OF APPEALS**

A person who wishes to appeal a decision of the Hearing Examiner to the Board of Appeals must use this petition form. A person must have been a party to the original case before the Hearing Examiner in order to file an appeal. In addition, it is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person.¹ The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of the issuance of the Hearing Examiner decision.

1. **Name of Case** Hillstreet Overlook, LLC v. Howard County Department of Planning and Zoning in WP-24-119
BA Case No. BA 828-D
Date Decision and Order Mailed March 19, 2026. A copy is attached hereto.

2. **Reason for Appeal** See attached supplemental statement.

RECEIVED
 APR 14 2026
 BY:

3. **Name of Appellant** Hillstreet Overlook, LLC c/o Ronald Wildman
Trading as (if applicable) _____
Mailing address 7414 Hawkins Drive, Hanover, MD 21076
Phone number(s) (443) 324-2242
Email ron.wildman@gmail.com
Name of principal contact (if different) _____

4. **Counsel for Appellant** Christopher M. De Carlo, Venable LLP
Mailing Address 210 W. Pennsylvania Ave., Suite 500, Towson, MD 21204
Phone number(s) (410) 494 6226
Email cmdecarlo@venable.com
Secondary contact for counsel (if any) _____

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.

5. Declaration of Interest

The Appellant is the original petitioner

The Appellant was a party to the original case

6. Amended Petition (This section is to be completed only if the Appellant was the petitioner in the original case before the Hearing Examiner and the case was other than an administrative appeal)

If the original petition was substantively amended during the hearing before the Hearing Examiner, the appeal will proceed on the amended petition unless the original petitioner elects to proceed on the original petition. If you are the original petitioner, complete one of the following:

I elect to proceed on the original petition

I agree to proceed on the amended petition

Note: This section does not apply to a case that came before the Hearing Examiner as an appeal of an administrative decision.

7. Copies: The Appellant must submit **one signed original and nine copies of the signed original**, for a total of **10 copies**, of this petition. If supplementary documents or other materials are included, **10 complete sets** must be submitted.

8. Public Notice Requirements

a. Posting: If the Appellant is the owner or has a beneficial interest in the subject property, the Appellant must (i) post the property in accordance with Section 2.203(b) of the Rules of Procedure of the Board of Appeals and (ii) file an a Affidavit of Posting as required by Section 2.203(c).

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.

b. Advertising: The Appellant must (i) advertise the date, time and place of the initial public hearing of this appeal petition before the Howard County Board of Appeals in accordance with Section 2.203(a) of the Rules of Procedure of the Board of Appeals and (ii) file a Certificate of Advertising as required by Section 2.203(c).

c. Responsibility for Compliance: In accordance with Section 2.203(g), the Appellant is responsible for assuring compliance with the advertising and posting requirements of the Board of Appeals.

9. On The Record Appeals

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.

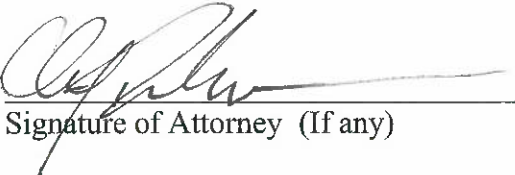
10. Signatures

By signing below, the Appellant hereby affirms that:

- The Appellant has read the instructions on this form and has filed herewith all of the required accompanying information.
- All of the statements and information contained in or filed with this petition are true and correct.
- The Appellant agrees to furnish such additional plats, reports, plans, or other materials the Department of Planning and Zoning and/or the Board of Appeals may require in connection with the filing of this petition.
- The Appellant agrees to pay all costs in accordance with the current schedule of fees.

 4/10/26 Ronald B. Wildman
 Signature of Appellant Date Print Name of Appellant

 Signature of Appellant Date Print Name of Appellant


 Signature of Attorney (If any)

Make checks payable to "Director of Finance."

For DPZ use only: Filing Fee is \$2,050.00 plus \$50.00 per poster if required.	
Hearing fee:	\$ _____
Poster fee:	\$ _____
TOTAL:	\$ _____
Receipt No.	_____

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

County Website: www.howardcountymd.gov

SUPPLEMENTAL STATEMENT
TO HEARING EXAMINER APPEAL PETITION
BA 828-D

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

Appellant, Hill Street Overlook, LLC is appealing the Howard County Hearing Examiner's denial of Appellant's appeal of 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 Hearing Examiner Decision is dated March 19, 2026, and is attached hereto.

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).

Pursuant to Howard County Code of Ordinances ("HCCO") Section 2.210 and Section 16.304, this Appeal is to be heard by the Board of Appeals (the "Board") *de novo* (meaning "anew", "fresh" or "from the beginning"). Accordingly, the Board looks through the Hearing Examiner's decision and directly reviews the Departments' action. It is the Appellant's burden to demonstrate the Departments' action was clearly erroneous, arbitrary and capricious, and/or contrary to law.

II. **BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW 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 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 strict enforcement of the regulation would deny Appellant all reasonable and economic use of the Subject Property representing, at a minimum, a practical difficulty or unwarranted hardship in complying with regulation;
2. The Departments' conclusion that Appellant's purchase of the subject property after the effective date of the applicable regulation constituted a self-created hardship is clearly erroneous and contrary to Maryland law. *Chesley v. City of Annapolis*, 176 Md. App. 413, 437 (cleaned up) ("Mere purchase of a property, even with knowledge that a variance will be needed in order to accomplish the purchaser's plans, does not constitute a self-created hardship meriting denial of a variance request, because zoning law regulates the property itself, rather than the title to it."). This alone mandates, at the very least, the decision to be reversed and remanded to the Departments to be considered without taking into account the Appellant's date of purchase.
3. The Departments' conclusion that Appellant's purchase of the subject property with environmental features was a self-created hardship is clearly erroneous and contrary to well settled Maryland Law. *Id.* This alone mandates, at the very least, the decision to be reversed and remanded to the Departments to be considered without taking into account the Appellant's presumed knowledge that alternative compliance would be required prior to its purchase of the Subject Property.

4. The Departments failed to give proper consideration to the reduction in building footprint and area of disturbance made as part of the reconsideration request;
5. The Departments failed to give proper consideration to the slope stability report prepared by Hardin-Kight Associates, Inc., which determined the impacted slopes could be safely stabilized through erosion control products.
6. The Departments failed to give proper consideration to the buildable lot letter issued by DPZ on October 12, 2010; and
7. The Departments misapplied the formula for calculating steep slopes on the Subject Property.

III. Requested Relief

For the foregoing reasons, and for those reasons to be offered at the *de novo* hearing on this matter, Appellant respectfully requests the Board reverse the Departments' decision and grant WP-24-119.

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.

HILLSTREET OVERLOOK, LLC	:	BEFORE THE
Appellant	:	HOWARD COUNTY
v.	:	BOARD OF APPEALS
HOWARD COUNTY DEPARTMENT OF	:	HEARING EXAMINER
PLANNING AND ZONING	:	BA Case No. 828D
IN WP-24-119		
Appellee		

.....
.....

DECISION AND ORDER

On March 18, 2026, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, conducted a hearing on the administrative appeal of Hillstreet Overlook, LLC (Appellant). Appellant is appealing the Department of Planning and Zoning’s November 21, 2025 letter denying reconsideration of the Department of Planning and Zoning’s September 17, 2025 denying Appellants request for approval of WP-24-119, for alternative compliance from Howard County Subdivision and Land Regulations §16.116(b)(1) regarding steep slopes. The Subject Property is located at 8500 Hill Street, Ellicott City, Maryland. The appeal is filed pursuant to §130.0.B.4 of the Howard County Zoning Regulations (HCZR).

The Appellant certified to compliance with the notice and posting requirements of the Howard County Code. The Hearing Examiner viewed the property as required by the Hearing Examiner Rules of Procedure. Mr. Christopher DeCarlo, Esq. appeared on behalf of Appellant Hillstreet Overlook, LLC. Mr. Frank Manalansan, engineer, testified on behalf of the Appellant. Barrett King participated on behalf of the Opposition and Diane Paulus, Gail Robinson, Josh Wicker, Nicholas Slater and Laura Janiszewski testified in Opposition.

Appellant presented the following Exhibits:

1. GIS Aerial
2. 2010 buildable lot letter
- 3.(a)-(d) Photos of Property
4. Slope Exhibit
5. Penkusky Property ECP
6. ACA Application June 2024
7. SDP w/ Initial Request
8. Soil Analysis Report Addendum
9. DPZ Denial Ltr-9/17/2025
10. Penkusky SDAT & WP-25-123
11. Reconsideration Letter
12. Reconsideration Letter
13. House Layout Plan

14. Reconsideration Denial 11/21/2025

15. DPZ Review Comments

16. D&O 4/6/15

17. D&O 11/10/16

BACKGROUND

The approximately .14-acre (6,721 sq ft) property is located on the east side of Hill Street, just south of Main Street and north/northwest of Old Columbia Pike, identified as 8500 Hill Street, Ellicott City, Maryland (the Property). The Property is rectangular in shape with steep slopes and a 75 ft stream bank buffer which is located in the southwest portion of the Property. The Subject Property lies in Council District 1, and is identified as Tax Map 25A, Grid 14, Parcel/Lot 319, in the R-VH (Residential: Village Housing) Zoning District.

On December 12, 1993, Regulations were adopted which prohibit the grading on 25 percent or greater steep slopes. Appellant purchased the property on December 8, 2003 (based on SDAT) records). The plan provided by the Appellant identified 78 percent of the parcel as containing steep slopes and a 75-foot stream buffer on the southwestern 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.

Appellant applied for alternative compliance to HCZR §16.116(b)(1) (steep slopes). By letter dated September 17, 2025 DPZ notified Appellant "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 of steep slopes that average 25 percent or greater over 10 vertical feet for the construction of a single-family dwelling.”

Appellant requested reconsideration of this decision pursuant to HCZR §16.104(b)(3). By letter dated November 21, 2025, Appellant was notified

“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 (sic) 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”.

It is from this denial of reconsideration that the instant appeal is noted.

As a basis for the instant appeal, Appellant argues that:

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.

OPPOSITION

Ms. Paulus lives adjacent downhill from the subject Property in a home constructed around 1860 at 8392 Merryman Street. She testified to the slippage of the uphill properties and the fragile ecosystem. This slippage has increased at a more rapid rate since the two 100-yr flood events that dramatically impacted the subject Property and surrounding properties within the last 10 years. Ms. Paulus also testified to the property adjacent to the subject Property on Hill Street that has had to be stabilized with riprap, which riprap will fall down on the homes along Merryman if any further slippage occurs. Any construction on the subject Property will, by necessity, affect the topography and directly adversely affect her property detrimentally. Hill Street is sinking, rods will have to be placed into the bedrock to anchor the roadway. No parking signs have recently been placed along Hill Street, the sinking of Hill Street has made any parking areas unstable and it is unable to carry the weight of cars parked on the subject Properties side of the street. Construction traffic will destabilize the roadway further. Once an accident occurs

during construction, the resulting damage from the steep slopes will have destroyed their homes.

Ms. Robinson lives at 8388 Merryman Street, also directly downhill from the subject Property. Her home is located 5 ft from the Paulus' home. During the soil stabilization test performed by Appellant Ms. Robinson was subjected to loud noises and ground shaking and her dining room ceiling was cracked. Ms. Robinson was home during the day of testing and testified to its unbearability. The existing trees will be removed and their root structure, which is helping stabilize the steep slopes, will be removed as well. The large wooden structure filled with dirt, which is holding up the first terrace, will also be removed. There is severe water runoff from the adjacent yellow home, including water discharged from the sump pump, across the subject Property further degrading the steep slopes and reaching the stream on the Property. The overhead power lines across the subject Property have not been addressed.

Josh Wicker, 8407 Merryman Street, in addition to previous testimony, stated that the riprapped property, adjacent to the subject Property, is directly uphill from his home, which will be demolished if the riprap succumbs to the current slippage. Both Mr. Slater (8505 Hill Street) and Ms. Janiszewski (8497 Hill Street) (both across the street from the subject Property) testified to the facts that Hill Street and the subject Property are in crisis, that the street is sinking, the slopes are unstable, and on street parking in front of the subject Property has been prohibited with the last 3 months.

STANDARD OF REVIEW

The right to appeal an administrative decision is wholly statutory. Howard County v. JJM, Inc., 301 Md. 256, 261, 482 A.2d 908, 910 (1984) (citing Maryland Bd. V. Armacost, 286 Md. 353, 354-55, 407 A.2d 1148, 1150 (1979); Criminal Injuries Comp. Bd. V. Gould, 273 Md. 486, 500, 331 A.2d 55, 64 (19751); Urbana Civic Ass'n v. Urbana Mobile Vill., Inc., 260 Md. 458, 461, 272 A.2d 628, 630 (1971).

Pursuant to Howard County Code §16.105, appeals to the Board of Appeals of decisions made pursuant to the Director of Planning and Zoning's administrative decision-making authority shall be heard in accordance with the Board of Appeal's Rules of Procedures. Subtitle 2.-Rules of Procedure of the Board of Appeals, Section 2.210 provides that administrative appeals such as the instant appeal the burden of proof is on the appellant to show that the action taken by the Administrative Agency was clearly erroneous, and/or arbitrary and capricious, and/or contrary to law. Per Howard County Code § 16.302(a) (jurisdiction of Hearing Examiner), when a matter is authorized to be heard and decided by the Board of Appeals, the matter will first be heard and decided by a Hearing Examiner. Hearing Examiner Rule of Procedure 10.2(c) assigns the burden of proof in an appeal from an administrative agency decision of showing by substantial evidence that the action taken by the administrative agency was clearly erroneous, arbitrary and capricious, or contrary to law.

APPLICABLE LAW

The instant administrative appeal is from the denial of WP-24-119, a request for alternative compliance from HCZR §16.116(b)(1). HCZR §16.116(b)(1) states

- (a) **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:**
- (i) **The on-site and off-site contiguous area of steep slopes is less than 20,000 square feet; and**
 - (ii) **There is sufficient area, a minimum ten feet, outside of stream and wetland buffers for required sediment and erosion control measures.**

HCZR §16.116(d)(1 d) establishes the required criteria for approval of alternative compliance from §16.116(b)(1).

Waivers.

(1) The Director of the Department of Planning and Zoning, the Administrator of the Office of Community Sustainability and the Director of the Department of Public Works may grant waivers which allow for alternative compliance to this Section if the applicant can demonstrate in sufficient detail through evidence that the project meets the criteria set forth in section 16.104 and the following additional criteria:

- (i) **Any area of disturbance is returned to its natural condition to the greatest extent possible;**
- (ii) **Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat; and**

- (iii) 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.**

HCZR §16.104 requires the following criteria for alternative compliance:

(a) Authority to Grant.

- (1) So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this subtitle, except as prohibited in subsection (d), in situations where the Department finds that unreasonable hardship or practical difficulties may result from strict compliance with this subtitle and for requests to waive or alter the requirements in article II and article III of this subtitle all of the following criteria are met:**
- (i) Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**
 - (ii) The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations;**
 - (iii) The variance will not confer on the applicant a special privilege that would be denied to other applicants; and**
 - (iv) The modification is not detrimental to the public health, safety or welfare or injurious to other properties.**

CONCLUSIONS OF LAW

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 Appellants 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 determined 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.

Appellant 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 Appellant 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. Appellant 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. Appellant purchased the property on December 8, 2003 (based on SDAT) records). The plan provided by Appellant 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 Appellant's purchase of the property. These laws prohibited disturbance to 25 percent or greater steep slopes. Appellant was requested to reduce the size of the proposed dwelling. The dwelling was reduced by 8 feet. However, Appellant 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 Appellant purchasing this parcel. Denial of this request does not deprive Appellant 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.

Appellant 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.

Appellant 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.

Appellant 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.

Appellant 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, Appellant purchased the parcel when regulations were in place prohibiting grading of steep slopes. Approval of the request would confer on Appellant a special privilege.

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

Appellant stated the approval of this alternative compliance is not detrimental to the public health, safety, or welfare, or injurious to other properties. Appellant argued that 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 indicating 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.

Appellant 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 Appellant 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.

Appellant 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.

Appellant has proposed disturbance to 54 percent of the site which contains steep slopes over 78 percent of the parcel. Appellant 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

Appellant 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.

Hearing Examiner Rule of Procedure 10.2(c) assigns the burden of proof in an appeal from an administrative agency decision of showing by substantial evidence that the action taken by the administrative agency was clearly erroneous, arbitrary and capricious, or contrary to law. Appellant has failed to meet its burden of proof of showing by substantial evidence that the denial of reconsideration was clearly erroneous, arbitrary and capricious, or contrary to law. Ownership of the Property post steep slopes legislation but one of the many concerns addressed during the denial. The Penkusky property is factually far removed from the subject Property and is therefore not precedential. Mr. Manikandan's opinions are based on such a small pool of cases that he has been involved in that they are not persuasive. Appellants Soil analysis also raised additional concerns regarding the development of the subject Property.

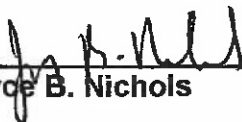
ORDER

Based upon the foregoing, it is this 19th day of March, 2026, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

That Appellant's appeal of the November 21, 2025 letter from DPZ denying reconsideration of the September 17, 2025 letter denying alternative compliance from HCZR §16.116(b)(1), for the Property identified as 8500 Hill Street, Ellicott City, Maryland, in the R-VH (Residential: Village Housing)) Zoning District, Council District 1, Tax Map 25A, Grid 14, Parce/Lot 319, be and is hereby **DENIED**.

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER



Joyce B. Nichols

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.



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:
Chad Edmondson
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for
Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

Signed by:
Yosef Kebede
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Yosef Kebede, Director
Department of Public Works

Signed by:
Timothy Lattimer
AEB6003A6F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DPW



Terrill A. Fisher, P.E., L.S.: *Founder, Co-Chairman Emeritus*
Earl D. Collins, P.E.: *Founder, Co-Chairman Emeritus*
Charles J. Cravo, 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*

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

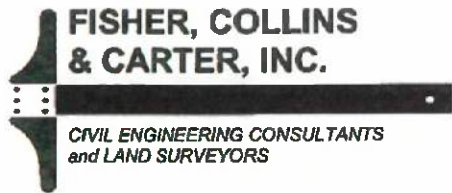
RE: WP-24-119, Cat Rock - Reconsideration
(SDP-24-024)

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 Rum 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.



HARDIN-KIGHT ASSOCIATES, INC.
CONSULTING ENGINEERS

May 12, 2025

Project No.: 24216A

Mr. Ronald B. Wildman
7417 Hawkins Drive
Hanover, Maryland 21076

Attention: Mr. Ronald B. Wildman

Reference: 8500 Hill Street
Slope Stability Addendum Report
Howard County, Maryland

Dear Mr. Wildman:

The purpose of this addendum report is to analyze the site slope, with regard to global stability. We previously prepared a geotechnical investigation report for this site dated March 27, 2025, which included 3 standard penetration test borings located on the existing slope within the new building footprint, directly adjacent to the proposed slope. The previous report addressed the earthwork, foundations, retaining walls, and cistern for the proposed single-family home construction. The geotechnical report also includes a study of the available geologic data for the site. The results of the previous investigation were utilized during the analysis of the slope. This addendum report must only be used in conjunction with the original report. Please refer to the previous geotechnical report for further details.

We were provided with a set of site plans entitled *Site Development Plan - Cat Rock Overlook*, dated November, 2024, prepared by Fisher, Collins & Carter, Inc. (FCC). The site plans show the layout of the proposed site improvements and both the existing and proposed topography. The slab grades for the building are also indicated on the site development plans. Based on the site plans, we understand that the proposed slope is to be approximately 40 feet in height from the bottom of the slope (not within the site limits) to the base of the foundation wall of the proposed home and has a gradient of about 2H:1V (Horizontal:Vertical). In addition, the foundation wall for the home has a maximum exposed height of roughly 16.5 feet.

The slope analysis section line is indicated on the Slope Location Plan, included with this report as Figure 1. The slope stability analysis was conducted using GEOSTASE, by Gregory Geotechnical Software, using the Spencer Method for calculating global stability. The analysis included 1,000 failure circles. The computations for the factor of safety (FS) of the 10 lowest failure circles for the slope are attached with this report. The FS is a comparison of the forces working against slope failure, to the forces working to cause failure. The International Building Code (IBC) provides information regarding setbacks and slopes, but not specific guidelines or requirements for the factor of safety for slopes.

The FS against slope failure has been established in general by the Federal Highway Administration (FHWA). Factors of safety of 1.3 for general embankments, and 1.5 for embankments supporting structures, are generally recognized as the standard of care for geotechnical engineering. The minimum FS calculated for the slope along the section line shown on Figure 1 was found to be 1.51, which indicates that the global/slope stability for the proposed slope will be stable. The slope analysis results are included in this addendum report.

Based on the global stability analysis, and the results of the previous investigation, the proposed slope will have the potential for the development of shallow failure surfaces. In order to achieve an acceptable FS against slope failure, we assumed that the slope surface will be stabilized using an approved erosion control product. The erosion protection product must utilize anchors with a length of at least 2 feet. One such erosion control product is Geoweb® by Presto Geosystems. However, any erosion control product that utilizes anchors with a minimum length of 2 feet, may be used, provided that it is approved by Hardin-Kight Associates, Inc. (HKA). The limits of the area that will require installation of the erosion protection are indicated on Figure 1. The erosion protection zone will have a surface area of approximately 370 square feet.

This report and its attachments should be considered as an addendum to, and must be used in conjunction with, the previous HKA report, and is subject to the limitations presented in that report. Included with this letter is a Slope Location Plan (Figure 1), the results of the global slope stability analysis, and the boring logs from the previous geotechnical investigation, which were used to estimate the slope stability characteristics of the subsurface materials. We appreciate the opportunity to assist you with this project. Please contact this office if you have any questions concerning this report.

Very truly yours,

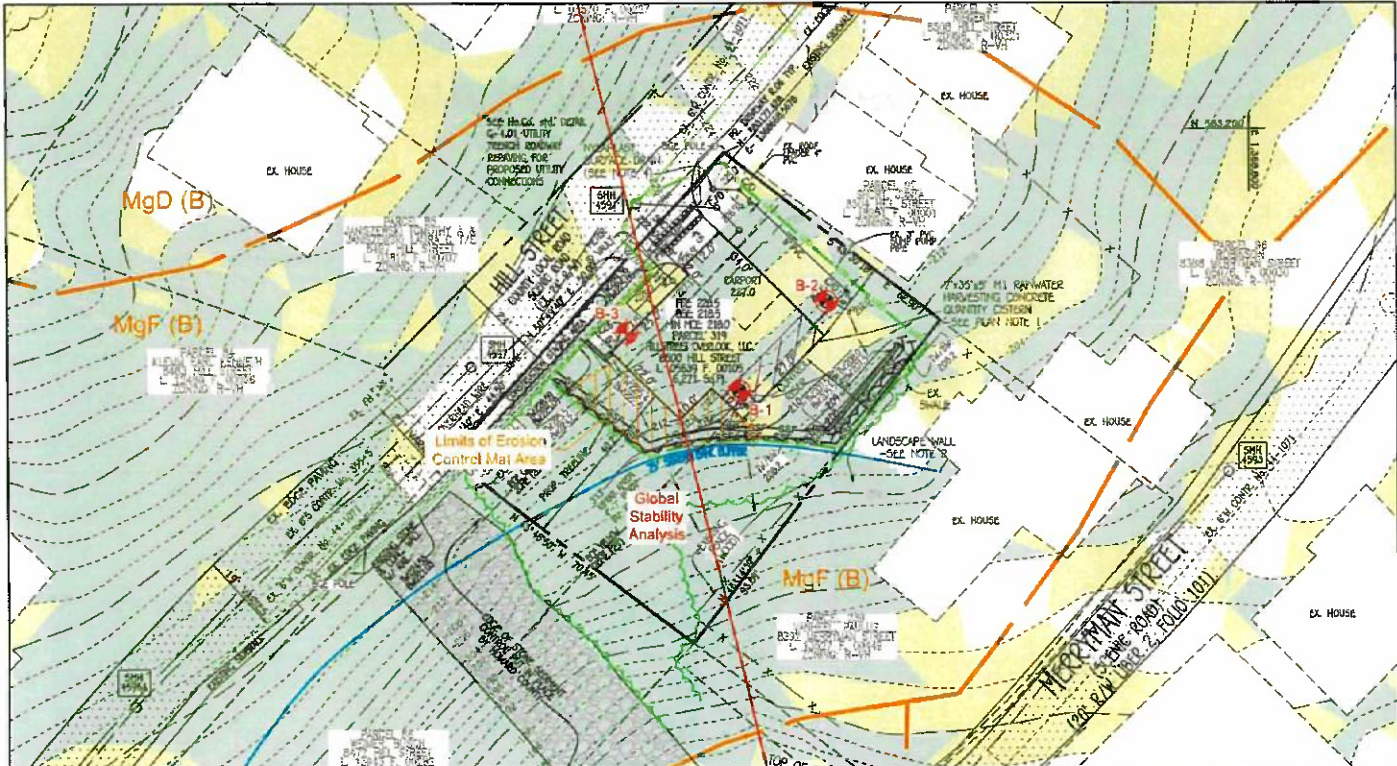
HARDIN-KIGHT ASSOCIATES, INC.




Jackie F. Doherty, E.I.T.
Staff Engineer


Justin A. Frizzell, P.E.
President



SLOPE LOCATION PLAN



-  - Boring Location
-  - Erosion Control Mat Area

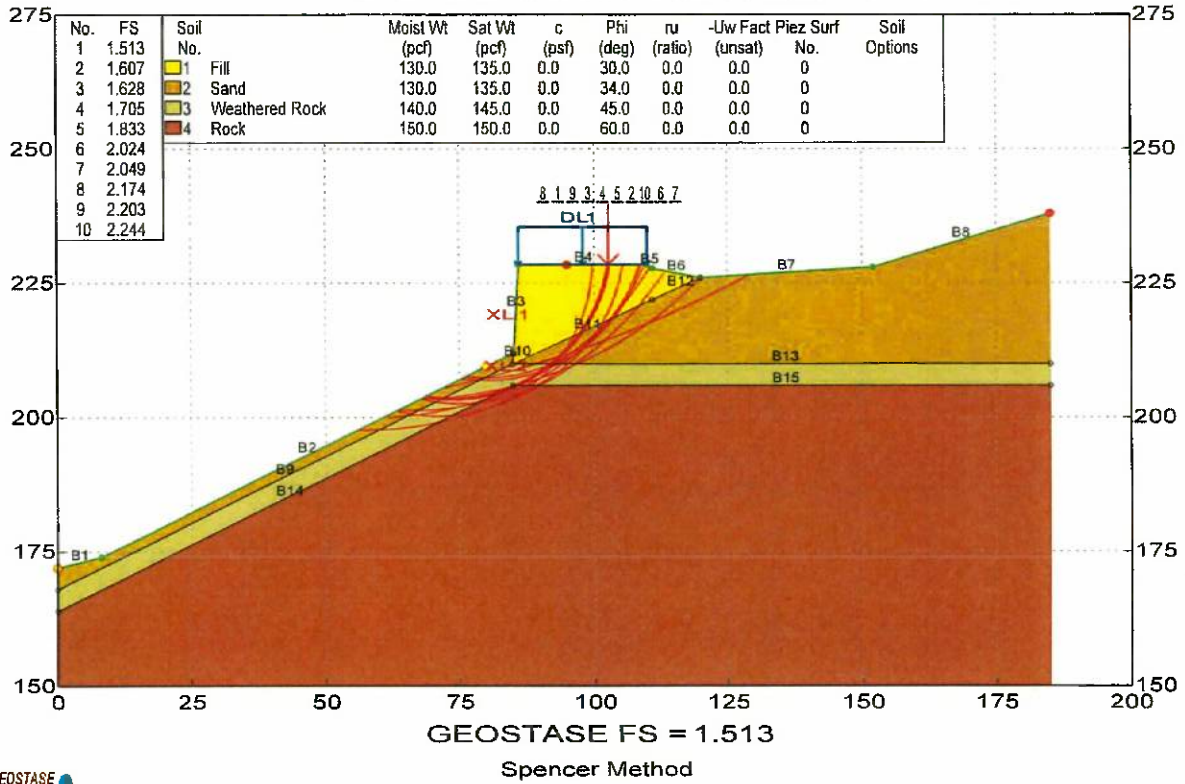
8500 HILL STREET SLOPE STABILITY ADDENDUM SLOPE LOCATION PLAN HOWARD COUNTY, MARYLAND		SCALE: 1" = 20' JOB #: 24216 DATE: 5/9/2025	Fig. <div style="font-size: 2em; font-weight: bold;">1</div>
HARDIN-RIGHT ASSOCIATES, INC. CONSULTING ENGINEERS	SOURCE: FCC SHEET: Sub. Gr. Control Plan DATE: Nov. 2024	DRAWN BY: JFD CHECKED BY: JAF	

SLOPE ANALYSIS RESULTS

8500 Hill Street Slope Analysis

HKA/JFD

R:\2024\24216 - 8500 Hill Street - SWM Inv\Slope Stability\Slope.gsd



GEOSTASE v4.30.32 by GREGORY GEOTECHNICAL SOFTWARE

PLATE C.1

BORING LOGS

Record of Soil Exploration

Project Name: **8500 Hill Street**
 Contracted With: **Ronald Wildman**
 Project Location: **Ellicott City, Maryland**
 Boring Location: **N: E:**

BORING NO. **B-1**
 JOB NO. **24216**
 Page 1 of 1

Surf. Elev.: **210.3** Hammer Wt. **140 lbs.**
 Elev. from: **Survey** Hammer Drop: **30"**
 Offset Elev.: Sampler Size: **2" O.D.**
 Offset Dist.: **8.0'** Offset Direction: **E**

Rock Core Dia.: Hole Diameter: **6"**
 Boring Method: **HSA**
 Drill Model: **GP7720DT**

Foreman: **Kim Engineering**
 Inspector: **LHJ**
 Date Started: **03-10-25**
 Date Finished: **03-10-25**

Elev.	Soil Description <small>Color, Moisture, Density Plasticity, Size Proportions</small>	Depth	Sample Data				Condition	Boring & Sample Notes
			Type	Blow Counts	#	Recovery		
210.3								
210	4" of Topsoil USC / STRATA: (TS)* Light olive brown, dry, very loose, non-plastic, micaceous silty SAND USC / STRATA: (SM)*	0.0 - 0.3	WOH/12"	1	6	D	Boring offset 8' East - refusal at 5.5'	
208	---, very dense, weathered rock @ 2.5'	2	45 50/6"	2	10	D	Difficult drilling at 2.0'	
206		4	50/1"	3	1	D	2.5" cone probe refusal at 5.5'	
	Boring Terminated at 5.5 Ft. Auger Refusal at 5.5 Ft.	5.5	50/0"	4	0		Temporary water monitoring pipe installed to 5.5'	
204		6						
202		8						
200		10						
198		12						

* Visual Description - in general accordance with ASTM D 2488 and AASHTO M145

Notes: Surface Elevation provided by Mr. Ronald Wildman.

Water Caved

	Encountered	Dry
	Completion	Dry 5.0'
	On	at
	On 3/11	at 24 hrs. Dry Pipe

Record of Soil Exploration

Project Name: **8500 Hill Street**
 Contracted With: **Ronald Wildman**
 Project Location: **Ellicott City, Maryland**
 Boring Location: **N: E:**

BORING NO. **B-2**
 JOB NO. **24216**
 Page 1 of 1

Surf. Elev.: **211.1** Hammer Wt. **140 lbs.**
 Elev. from: **Survey** Hammer Drop: **30"**
 Offset Elev.: Sampler Size: **2" O.D.**
 Offset Dist.: Offset Direction:

Rock Core Dia.:
 Hole Diameter: **6"**
 Boring Method: **HSA**
 Drill Model: **GP7720DT**

Foreman: **Kim Engineering**
 Inspector: **LHJ**
 Date Started: **03-10-25**
 Date Finished: **03-10-25**

Elev.	Soil Description <small>Color, Moisture, Density Plasticity, Size Proportions</small>	Depth	Sample Data				Condition	Boring & Sample Notes
			Type	Blow Counts	#	Recovery		
211.1								
0.0-0.2	2" of Topsoil USC / STRATA: (TS)*	0	WOH/6"	1	16	I		
210	Olive brown, moist, very loose, slightly to medium plastic, micaceous silty clayey SAND USC / STRATA: (SC-SM)* USDA: (SANDY LOAM)*	0.2-2.0	1					
208	Light olive brown, dry, very dense, non-plastic, micaceous silty SAND (weathered rock) USC / STRATA: (SM)*	2	14	2	8	D		
			50/4"					
206		4	35	3	18	I		
			25					
			35					
204		6						
			50/5"	4	5	D		
202	Boring Terminated at 9.0 Ft. Auger Refusal at 9.0 Ft.	9.0	50/1"	5	1	D	3.5" cone probe refusal at 9.0' Temporary water monitoring pipe installed to 9.0'	
		10						
		12						
198								

* Visual Description - in general accordance with ASTM D 2488 and AASHTO M145

Notes: Surface Elevation provided by Mr. Ronald Wildman.

		Water	Caved
Encountered		Dry	
Completion		Dry	9.0'
On	at		
On 3/11	at 24 hrs.	Dry	Pipe

Record of Soil Exploration

Project Name: **8500 Hill Street**
 Contracted With: **Ronald Wildman**
 Project Location: **Ellicott City, Maryland**
 Boring Location: **N: E:**

BORING NO. **B-3**
 JOB NO. **24216**
 Page 1 of 1

Surf. Elev.: **217.9** Hammer Wt. **140 lbs.**
 Elev. from: **Survey** Hammer Drop: **30"**
 Offset Elev.: Sampler Size: **2" O.D.**
 Offset Dist.: Offset Direction:

Rock Core Dia.:
 Hole Diameter: **6"**
 Boring Method: **HSA**
 Drill Model: **GP7720DT**

Foreman: **Kim Engineering**
 Inspector: **LHJ**
 Date Started: **03-10-25**
 Date Finished: **03-10-25**

Elev.	Soil Description <small>Color, Moisture, Density Plasticity, Size Proportions</small>	Depth	Sample Data				Condition	Boring & Sample Notes
			Type	Blow Counts	#	Recovery		
217.9								
218	2" of Topsoil USC / STRATA: (TS)* Light olive brown, dry, very loose, non-plastic, micaceous silty SAND USC / STRATA: (SM)*	0	WOH/12" 1	1	2	D		
216	---, dense @ 2.5'	2	10 15 17	2	16	I	Difficult drilling at 4.0'	
214		4	19 18 17	3	16	I		
212		6						
210	---, very dense, weathered rock @ 7.5'	8	50/6"	4	6	I		
208		10	35 50/6"	5	12	I		
206	Boring Terminated at 10.9 Ft. Auger Refusal at 10.9 Ft.	10.9	50/0"	6	0		Temporary water monitoring pipe installed to 10.9'	

* Visual Description - in general accordance with ASTM D 2488 and AASHTO M145

Notes: Surface Elevation provided by Mr. Ronald Wildman.	Water	Caved
	Encountered	Dry
	Completion	Dry 10.1'
	On 3/11 at 24 hrs.	Dry Pipe

KEY TO SYMBOLS

Symbol Description

Soil Samplers



Standard penetration test

Monitor Well Details



temporary screened water
monitoring pipe, removed after
24 hour water reading

Strata



Topsoil



Silty SAND



Silty clayey SAND

Notes:

1. Borings were performed on March 10, 2025.
2. Surface Elevation provided by Mr. Ronald Wildman based on survey.
3. Temporary water monitoring standpipe installed in each boring to prevent caving and allow for an accurate 24-hour water reading. Hole backfilled after completion of 24-hour water reading.
4. For recommendations and conclusions, please refer to the geotechnical report.



User Name: Christopher DeCarlo

Date and Time: Wednesday, March 18, 2026 11:13 AM EDT

Job Number: 278863308

Document (1)

1. [Richard Roeser Profl Builder v. Anne Arundel County](#)

Client/Matter: 111111-111111

Search Terms:

Search Type: Natural Language

Narrowed by:

Content Type

Narrowed by
-None-

