



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

February 9, 2018

Ms. Eva Nelson  
4472 Ilchester Road  
Ellicott City, MD 21043

Dear Ms. Nelson:

RE: WP-16-115, SP-15-012, Oak Hill Manor

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.116(b)(1)** which prohibits grading, removal of vegetative cover and trees, new structures, and paving on land with existing steep slopes: This subdivision is proposing to disturb 13,300 square feet (.30 acres) of the 73,455 square feet (1.68 acres) of existing steep slopes. **Section 16.125(b)(2)** requiring any new developments located along scenic roads to maintain a 35 -foot buffer of existing forest or wooded area between the road and the new development; and **Section 16.1205(a)(7)** which prohibits the removal of 30' diameter or larger specimen trees. The applicant is requesting permission to remove 4 specimen trees (tulip poplars).

Approval is subject to the following conditions:

1. Compliance with SRC comments for SP-15-012.
2. No additional disturbance or grading shall occur beyond the limit of disturbance as shown on the preliminary grading plan and as approved by the Planning Board unless it can be sufficiently demonstrated to be warranted or justified.
3. The removal of four (4) specimen trees will require mitigation with the planting of 2:1 replacement trees (8 total) with a minimum of 3" caliper native plant species. The replacement trees shall be bonded and shown on the landscape plan with the forthcoming final plan.
4. Any additional removal of specimen trees during construction activity shall require submittal of a new alternative compliance application. The remaining 14 specimen trees shall be saved and protected during the construction activity.
5. The construction of the new houses fronting along Ilchester Road shall be adequately screened using enhanced landscaping and house siting to minimize impacting the natural setting along the scenic road. This condition will be evaluated further at the site development plan stage.
6. The alternative compliance petition number and its conditions of approval must be added to all subdivision plans and final plat.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** –

The petitioner has provided justification for why strict compliance with the Regulations would result in practical difficulties for developing this property. The proposed subdivision layout is a result of multiple meetings held with the community and the HPC (Historic Preservation Commission) in efforts to design a development that shifted development away from the historic house. Because of shifting two lots west along Ilchester Road and reducing the front setback with a variance petition (setback reduction approved by the Hearing's Examiner), a stretch of steep slopes is proposed to be removed. If this request is not granted, Lots 1 and 2 would be moved near proposed Lots 7 and 8, thus reducing the size of the lot for the historic house.

The proposed land disturbance is limited to a relatively small area of steep slopes. A total of 13,300 square feet of the 73,455 square feet of the 25% steep slopes are proposed to be disturbed. There will be retaining walls constructed to reduce the disturbance and shall make the affected area flatter by improving the rear yard area for proposed Lots 1 and 2.

The developer's initial design did not require removal of specimen trees; however, the HPC requested that a larger lot be provided for the historic home. The new design required the shifting of two lots closer to the public road which requires the removal of 4 specimen trees. This design retains over 50 percent of the existing forest which will contain a larger number of the specimen trees.

The developer designed the site to provide a larger lot for the historic home. This design change required the shifting of 2 lots closer to the scenic road and removal of vegetation within 35 feet of this road. The developer will provide additional plantings where vegetation is removed to maintain the existing scenic character.

**Not Detrimental to the Public Interest** – The requested alternative compliance will not be detrimental to the interest of the public. At the request of the HPC, the developer designed the subdivision so that a larger lot will be provided for the historic home. This designed shifted two lots closer to the public road which requires disturbance to the steep slopes. Providing a larger lot for the historic home and the minimal disturbance to the steep slopes should not be considered detrimental to the public interest.

The removal of 4 specimen trees should not be considered detrimental to the public since 24 specimen trees will be retained on site. In addition, the removal of the 4 specimen trees is needed to provide a larger lot for the historic home which was requested by the HPC. Mitigation will be provided for the 4 specimen trees to be removed.

In addition, this design change requires minimal removal of vegetation within 35 feet of the scenic road. The developer will provide additional plantings so that the scenic road character will be maintained.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of this alternative compliance request will not nullify the intent or purpose of the regulations. The subdivision has been designed to provide the historic house with a larger historic setting; thus, shifting two lots closer to the Ilchester Road. These lots require disturbance to the steep slopes. Although minimum disturbance to the steep slopes is proposed, the intent of the Regulations will be served by providing a larger lot for the historic home. The minimal disturbance to the steep slopes should not be considered a nullification of the Regulations since the setting for the historic home is being maintained.

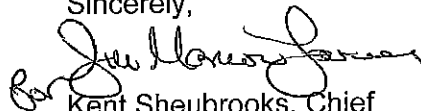
Although the proposed design requires the removal of 4 specimen trees, the developer will be retaining 24 specimen trees and will be providing a larger lot to accommodate the historic home which serves the intent of the regulations.

With the shifting of Lots 1 and 2 away from the historic home and closer scenic road, removal of vegetation within 35 feet of the scenic road is required. The intent of the Regulations will be served by plantings supplemental plants along the scenic road.

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. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
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SP-15-012