



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

October 12, 2016

7040 Elm Avenue, LLC
6800 Deerpath Road, Ste. 101
Elkridge, MD 21075

RE: WP-16-137, Lennox Park, Lots 594-599

Dear Sir or Madam:

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 16.155(a)(2) Residential: New Residential Development requiring approval of a Site Development Plan for six semi-detached duplex units and Section 16.1205(a)(7) Forest Retention Priorities to allow for removal of one 30" or greater specimen tree, a 48" oak tree.

Approval is subject to the following conditions:

1. Subject to submission of a mylar original plan of the latest revised alternative compliance plan exhibit for County signatures by the DLD Chief, DED Chief and Planning Director within 45 days of the approval letter or November 26, 2016. The signature approved plan exhibit can be used for building and grading permit purposes similar to a signed SDP.
2. Authorization for building permit approval is only granted for Lots 596 thru 599 at this time. No building permits can be issued for Lots 594 and 595 until a setback variance is approved for a reduction of the side to public road setback requirement from 20 feet to 7.5 feet in accordance with Section 109.0.D.4.b.(1)(a) of the Zoning Regulations. Once the setback variance is approved by the Hearing Examiner, the applicant shall submit a plan revision (red-line) request to DED to revise the WP plan exhibit original to add a general note indicating the BA variance case file number, variance request and date of approval by the Hearing Examiner.
3. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits.
4. Compliance with the attached DED comments.
5. The applicant must provide two new 3" in diameter native species shade trees as replacement mitigation for the existing specimen tree to be removed within the lots after construction is completed.
7. Provide tree protection fencing around the 47" oak tree to remain on Lots 594&595.
8. No disturbance shall be permitted beyond the limit of disturbance shown on the alternative compliance plan exhibit nor should any trees be removed other than the one labeled "to be removed" on the alternative compliance exhibit. All other trees should remain.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

If the alternative compliance is not granted, the applicant will be required to prepare a site development plan. The alternative compliance plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this

project comply with all required permits issued by DILP as well as other state/local and utility company regulations.

This subject property has 2 specimen trees on site and it is not possible to retain the 1 specimen tree requested for removal on site and construct a new single family attached unit and driveway. Should the Regulations be strictly enforced, the house siting could not be altered to save this tree and the lot could not be developed which would result in extraordinary hardships and practical difficulties for the Owner.

Alternative Proposal

The alternate proposal to Section 16.155(a)(2) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this alternative compliance is a suitable substitute for the SDP requirement showing information necessary to evaluate this request for compliance with the Regulations.

Not Detrimental to the Public Interest

Not Detrimental to the Public Interest –Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. The proposed residential house would be a major improvement to the existing well maintained neighborhood. The proposed construction work will have no impact on any adjacent properties and tearing down the older existing house and rebuilding in the new location will improve the neighborhood.

The approval of the alternative compliance will not have any detrimental impact to the public interest. The removal of the tree will not impact water quality or habitat value/function. The owner is not circumventing the intent of the forest preservation regulations but is attempting to build a house on the subject property with adequate and safe lot design and conditions for the new homeowner. DPZ is requiring a 2 to 1 tree planting mitigation for removal of the one specimen tree.

Will not nullify the intent or purpose of the regulations

The alternative compliance proposal is an acceptable alternative to submitting a site development plan for standard review because the plan will be presented as part of the building permit application. Indicate this alternative compliance file number, request, section of the regulations, action, conditions of approval, and date on all documents and building permits.

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 requested alternative compliance will remain valid for the time period specified under condition number 1 above.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Annette Merson
Sang Oh
Benchmark Engineering