



# 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 30, 2018

Burkard Homes  
5850 Waterloo Road, Suite 140  
Columbia, MD 21045

RE: WP-19-024 Atholton Overlook  
Alternative Compliance Approved

Dear Sirs or Madams:

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 16.1205(a)(7)**, of the Subdivision Regulations.

Approval is subject to the following conditions:

1. Mitigate at 2:1 the removal of the specimen tree. The replacement trees shall be native shade trees of 2.5" caliper and planted in addition to any Landscape requirements for development of the site.
2. Indicate this Alternate Compliance file number (WP-19-024), on the cover sheet of all future plan submittals; include section numbers, conditions of approval and date of decision.
3. Include a reference to WP-19-024 on any related landscape plans and indicate which trees are used to satisfy the conditions of approval.

Our decision was made based on the following:

### **Extraordinary Hardships or Practical Difficulties:**

The location of specimen tree ST-5 is in a central location of the site. The proposal retains 5 other specimen trees. Three of them are on the proposed Open Space Lot. The Open Space Lot is encumbered by a 100' Stream Bank Buffer, limiting the amount of remaining area for development. The site is long and narrow, further limiting lot locations. Removing the tree is necessary to realize the development potential of the site.

### **Alternative Proposal:**

To comply with the stream buffer, the proposal makes the best use of the remainder of the site while complying with the County's Subdivision and Land Development Regulations. Minimum lot size, orientation, building setback, and access are all addressed. To require retention of Specimen Tree #5, Lot 2 would have to be reconfigured, leading to a less desirable layout, with inconsistent lots.

### **Not Detrimental to the Public Interest:**

The specimen tree proposed to be removed is internal to the site and would not provide a buffer to surrounding properties if retained. The removal of the specimen tree will not impact surrounding properties any more than removal of the other existing trees.


### **Will not nullify the intent or purpose of the regulations:**

The overall intent of the regulations is to allow development while protecting environmentally sensitive features. This proposed site plan includes retaining 5 other specimen trees and existing forest within the stream buffer. Additionally, 2 native trees will be planted to mitigate the removal of the specimen tree. The intent is there for satisfied while granting relief from strict adherence.

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 Donna Despres at (410) 313-2350 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Chief  
Division of Land Development

KS/JF/DD

cc: Research  
DED  
Real Estate Services  
MBA