



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 30, 2019

Trinity Homes  
3675 Park Ave, #301  
Ellicott City, MD 21043  
Attn: Tim Keane

RE: WP-19-064 River Birch Manor

Dear Mr. Keane:

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)**.

Approval is subject to the following conditions:

1. The removal of the four specimen trees (ST #1-4) is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request unless it can be sufficiently demonstrated by the applicant to be justified.
2. The developer shall plant eight 3" minimum-caliper native shade trees in addition to the required perimeter landscaping to mitigate the removal of the four specimen trees. It is recommended that the eight trees be planted within the proposed forest conservation easement on Open Space Lot 8 to ensure long-term protection. Reference the additional trees on S-19-003 and include planting details on all subsequent subdivision and development plans. These trees will be bonded along with the required perimeter landscaping as part of the final subdivision plan.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The subject property is zoned R-20 with a minimum lot size of 18,000 sf since the developer is providing additional open space area. The developable portion of the property is further constrained by 100' stream buffers and 100-year floodplain. There is approximately 56' of vertical topography between the existing terminus of German Road to the western edge of the developable envelope. The project also proposes the construction of a cul-de-sac to provide a suitable turnaround for vehicles. This results in a large amount of grading which will impact 3 of the specimen trees. The location of the proposed sewer line is necessary to provide gravity sewer on the lowest level of the proposed houses. The construction of the sewer line will result in the removal of one specimen tree.

Not Detrimental to the Public Interest:

Approval of this alternative compliance request will not be detrimental to the public interest. The granting of this request is necessary to provide a proper termination of the existing public road, to extend the public sewer to achieve gravity service and to locate the proposed residential lots to be outside of the environmental features and their required buffers. The proposed lots are designed to avoid the 100-year floodplain and 100' stream

buffers. The applicant is proposing to mitigate the removal of the four specimen trees by planting eight 3"-caliper native shade trees.

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 proposed subdivision is consistent with the other vicinal subdivisions on German Road. The proposed lots will comply with the R-20 zoning district bulk regulations. The intent of the Regulations is met by limiting the removal of specimen trees to only those necessary for construction of the proposed subdivision. The removal of the specimen trees will be mitigated by the planting of native shade trees onsite at a 2:1 ratio.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, site development plans and building permits. This alternative compliance approval will remain valid for 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 Eric Buschman at (410) 313-0729 or email at [ebuschman@howardcountymd.gov](mailto:ebuschman@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/eb

cc: Research  
DED  
Real Estate Services  
Vogel Engineering + Timmons  
Marian Honecny- MD DNR