



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 15, 2022

Hong Tao Ma & Xiao Hong Li
4268 Maisel Farm Lane
Ellicott City, MD 21042

RE: **WP-22-076 Est Side Lots 17 & 18**

*Request for a variance to Section 16.1205(a)(3) of the
Subdivision and Land Development Regulations.*

Dear Applicants:

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 February 10, 2022 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove 2 of three specimen trees: Specimen tree 1, a 56" DBH Silver maple and Specimen tree 2, a 38.5" DBH Silver maple. 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, 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) 313-3429 or email at ddespres@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/DD

cc: Research (2 tree requested/ 2 trees approved)
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Fischer, Collins & Carter, Inc.
F-21-068



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-076 Est Side Lots 17 & 18**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Hong Tao Ma & Xiao Hong Li
4268 Maisel Farm Lane
Ellicott City, MD 21042

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove 2 of three specimen trees: Specimen tree 1, a 56" DBH Silver maple and Specimen tree 2, a 38.5" DBH Silver maple. The Directors deliberated the application in a meeting on February 10, 2022.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Two (2) specimen trees are proposed to be removed. Specimen trees ST-1 and ST-2 are in the primary developable area of the property and retaining the trees is impractical given the location and critical root zone. ST- 1 and ST-2, although in good to fair condition, would be considered a safety risk following the house construction, frontage improvements, and stormwater management installation due to the impacts to the critical root zones. The houses are set back from the property frontage as required by the development regulations to be consistent with the existing homes along Maxine Street and Centennial Lane, reducing the flexibility of the location the homes may be sited. The Lot 18 house cannot be moved without also impacting the third specimen tree (ST-3). Development on-site can't be achieved without disturbing more than 30% of the CRZs.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;

Strict enforcement of the regulations would deprive the landowner the ability to develop the property and create Lots 17 and 18 as permitted in the R-20 zoned property. The required improvements along Centennial

Lane will impact a significant portion of the existing CRZ. If Specimen tree 1 and 2 remained and the proposed homes constructed, more than 30% of their critical root zones would be disturbed, potentially creating a fall hazard in close proximity to indoor and outdoor living space.

3. Verify that the granting of a variance will not adversely affect water quality;

The existing Little Patuxent River watershed is not impacted by the removal of the internal site trees. The replacement on a 2:1 basis with recommended trees will benefit water quality. Additionally, as required for new development, the improvements to the property also includes quality treatment for the stormwater runoff, where treatment currently does not exist.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;

The granting of the variance will not allow the landowner special privileges which have been withheld from other applicants. Other applicants would likewise be required to replace removed trees at a minimum ratio of 2:1 as allowed within the current regulations.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;

The landowner has not taken any actions which caused the circumstances impacting the current location or condition the trees

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

7. Provide any other information appropriate to support the request.

The proposed frontage improvements include a bike lane, dedicated turn lane, and new sidewalk which all benefit the public. The existing trees would be significantly impacted with these improvements alone. The reasonable development of the lot could not be accomplished without their removal.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3)p is subject to the following conditions:

1. The removal of Specimen Tree 1 & 2 shall be mitigated by planting 4 native trees with a DBH of 3" in the project area. The landscape plans shall clearly label the mitigation trees provided and reference WP-22-076.
2. The critical root zone of Specimen tree 3, to remain, shall be protected using tree protective measures before, during and after construction. No more than 30% of the critical root zone of Specimen tree 3 may be disturbed. Include specific protection measures on the plans for F-21-068. Include specific methods for removal of the existing structures that are in the CRZ that prohibits the use of machinery in the CRZ.
3. Include a General Note on the supplemental plans for F-21-068 summarizing the alternative compliance application, request, sections, date of approval and conditions of approval.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88D74370827248A...

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme

Certificate Of Completion

Envelope Id: 9B00CC1B21484231B381F18FD8ADBAC8	Status: Completed
Subject: Please DocuSign: WP-22-076 East Side 17-18 aprr.docx, WP-22-076 East Side Lots 17&18 DAR_signed.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Disabled	Envelope Originator:
Envelope Stamping: Disabled	Anthony Cataldo
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Ellicott City, MD 21043
	acataldo@howardcountymd.gov
	IP Address: 167.102.191.18

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Status: Original 2/15/2022 3:48:31 PM	Holder: Anthony Cataldo acataldo@howardcountymd.gov	Location: DocuSign
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Signer Events

Anthony Cataldo
acataldo@howardcountymd.gov
Division Chief
Howard County Government
Security Level: Email, Account Authentication (None)

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Notary Events

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Timestamps

Envelope Sent	Hashed/Encrypted	2/15/2022 3:48:45 PM
Certified Delivered	Security Checked	2/15/2022 3:48:51 PM
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Completed	Security Checked	2/15/2022 3:48:57 PM

Payment Events

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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Maxine Street and Centennial Lane

Subdivision Name/Property Identification: East Side, Lots 17 and 18

Location of property: Maxine Street and Centennial Lane

Existing Use: Residential **Proposed Use:** Residential

Tax Map: 30 **Grid:** 01 **Parcel No:** 159 **Election District:** SECOND

Zoning District: R-20 **Total site area:** 1.00 Acre

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:

F-21-068

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 16.1205 (a)(3)	(a) On-Site Forest Retention Required. (3) State champion trees, trees 75 percent of the diameter of state champion trees, and trees 30 inches in diameter or larger. Request removal of 2 Specimen Trees

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted] **Date:** [Redacted]

Signature of Petitioner Preparer: [Redacted] **Date:** [Redacted]

Name of Property Owner: Hong Tao Ma & Xiao Hong Li **Name of Petition Preparer:** Fisher, Collins, and Carter, Inc.

Address: 4268 Maisel Farm Lane **Address:** 10272 Baltimore National Pike

City, State, Zip: Ellicott City, MD 21042 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: greathomes111@yahoo.com **E-Mail:** frankm@fcc-eng.com

Phone No.: 410-493-4930 **Phone No.:** 410-461-2855

Contact Person: Hong Tao Ma **Contact Person:** Frank Manalansan II

Owner's Authorization Attached