



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

November 7, 2022

Tim Harman
Speedfloor Mid Atlantic, LLC.
7116 John Calvert Ct.
Elkridge, MD 21075
Email: tharman@heffnerandweber.com

RE: WP-23-004 Arrington Manor (F-20-047)

Dear Mr. Harman:

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 November 3, 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 two (2) of the five (5) remaining specimen trees onsite. Please see the attached Final Decision Action Report for more information.

Approval of this Alternative Compliance is subject to the following conditions:

1. The Alternative Compliance approval is limited to the removal of Specimen Trees #4 and #8 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of four (4), native 2.5" – 3" caliper, shade trees shall be provided as mitigation for the removal of the two (2) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.
3. Once felled, the debris from the two (2) specimen trees will be relocated to a wooded portion onsite.

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.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,  DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
F-20-047 Arrington Manor
FCC



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

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-23-004 Arrington Manor (F-20-047)**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: **Tim Harman**
Speedfloor Mid Atlantic, LLC.
7116 John Calvert Ct.
Elkridge, MD 21075
Email: tharman@heffnerandweber.com

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 removal of two (2) of the five (5) remaining specimen trees onsite. The Directors deliberated the application in a meeting on November 3, 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.**
There are eight (8) specimen trees on the property which is proposed to be developed into four (4) lots. Specimen Trees #1-3 were approved to be removed under WP-20-068. Under the same alternative compliance request, removal of Specimen Tree #4 was denied by the Directors Committee and the tree was to remain onsite. During the review process CB14-2022 was enacted, requiring that all trees 24" diameter or larger measured at 4.5 feet above ground, be labeled with the tree species and condition on all Forest Stand Delineation plans. This required an additional inspection of the trees onsite. At the time of inspection, both ST #4 and #8 were confirmed dead by the applicant's certified arborist and by the Department Recreation and Parks. Currently, both specimen trees present a danger if they were to fall, even if the property was not proposed to be developed. The location of ST #8 is in the middle of the proposed Lot #4 and the denial of the request would eliminate the development of this lot. Prohibiting the removal of the two (2) specimen trees would cause an unwarranted hardship.
2. **Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.**

Enforcement of the regulations would deprive the landowner the right to having a safe and secure property that is free of hazards. Large dead trees pose a hazard to properties and can be removed for safety concerns. Requiring these dead specimen trees to remain could create a potential safety hazard to anyone onsite and to the future owners of the subdivided property. Specimen Tree #8 is centrally located onsite and the applicant would be denied reasonable use of the property based on the existing environmental features.

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

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria, which include small filtering processes to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

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

Approval of this variance will provide the applicant the ability to subdivide properties which are similar in size and configuration to the lots of the surrounding area. Granting the request would not confer the applicant a special privilege as the removal of dead trees is a common practice on all properties to ensure the safety of persons and structures onsite.

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

Per the evaluation of the certified arborist from Bay Environmental, Inc., the trees died due to natural causes. There have not yet been any impacts to the site for the proposed development and the site has remained in its original state. The request is not based on conditions or circumstances which are the result of the actions of the applicant.

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.

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. The conditions are a result from the uniqueness of the environmental features onsite.

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

The applicant noted that Forest Conservation laws are intended to provide protection for trees deemed of higher value, especially those of older growth and larger stature. The requested trees are both dead and have lost some of the higher value they held when they were producing foliage and stabilizing the site. Since some wildlife utilize dead trees and can benefit by leaving felled trees within a forested area, the applicant proffered to relocate the trees once they are felled, so they may serve some purpose to the remaining vegetative area.

In addition, the Dept. of Recreation and Parks staff highlighted that the University of Maryland Extension has recently reported rapid browning and death of many oak trees in Maryland which they hypothesize is related to extreme weather conditions in recent years and are currently studying. Dept. of Recreation and Parks staff also noted that during their inspection, rot and fungus were found around the base of Specimen Tree #4. This information was discussed by the Directors during their meeting. Dept. of Recreation and Parks referenced the article that explained the theory of the recent health issues of White Oaks and these issues were deliberated by the Directors. This information helped to explain the accelerated deterioration of some of the trees onsite.

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

1. The Alternative Compliance approval is limited to the removal of Specimen Trees #4 and #8 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request or an amendment to this alternative compliance request.
2. A minimum of four (4), native 2.5" – 3" caliper, shade trees shall be provided as mitigation for the removal of the two (2) specimen trees from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.
3. Once felled, the debris from the two (2) specimen trees will be relocated to a wooded portion onsite.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88D74378827248A...

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DRP, Raul Delerme
F-20-047 Arrington Manor
FCC



DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 6490 Lawyers Hill Road	
Subdivision Name/Property Identification: Arrington Manor	
Location of property: 6490 Layers Hill Road	
Existing Use: Vacant	Proposed Use: Residential
Tax Map: 38	Grid: 02
Parcel No: 018	Election District: First
Zoning District: R-ED	Total site area: 4.270 Acres

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:

ECP-19-047, WP-20-068, F-20-047, WP-22-108 (denied)

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)	Section 16.1205 (a)(3) Forest Retention Priorities. (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.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  **Date:** 4/8/2022

Signature of Petitioner Preparer:  **Date:** 

Name of Property Owner: Speedfloor Mid Atlantic, LLC. **Name of Petition Preparer:** Fisher, Collins and Carter, Inc.

Address: 7116 John Calvert CT **Address:** 10272 Baltimore National Pike

City, State, Zip: Elkridge, MD 21075 **City, State, Zip:** Ellicott City, MD 21042

E-Mail: tharman@heffnerandweber.com **E-Mail:** PDOX@FCC-ENG.COM

Phone No.: 443-506-6188 **Phone No.:** 410-461-2855

Contact Person: TIM HARMAN **Contact Person:** FRANK MANALANSAN II, L.S.

Owner's Authorization Attached