



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

May 23, 2023

Kirit Parmar
Oakland Forest, LLC
12620 Clarksville Pike
Clarksville MD, 20777

RE: WP-23-088, 7-11 Stevens Forest Road

Dear Mr. Parmar:

On May 18, 2023 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 specimen trees. Please see the attached Final Decision Action Report for more information.

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

1. The removal of specimen trees ST1 and ST3 shall be mitigated with a 2:1 replacement with native 3" DBH trees and incorporated into the landscape plan for the site.

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 Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22BA9A
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Real Estate Services
Anne Gilbert- DNR anne.gilbert@maryland.gov
Bill Erskine
Kayla Collins, Bohler Engineering



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Mary Kendall, Acting 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-23-088, 7-11 Stevens Forest Road**
Request for a variance to Section 16.1205 of the Subdivision and Land Development Regulations.

Applicant: **Oakland Forest, LLC**
Attn: Kirit Parmar
12620 Clarksville Pike
Clarksville MD, 20777

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 request the removal of two specimen trees. Specimen Tree #1 (ST1) is a 31" American Sycamore in good condition. Specimen Tree #3 (ST3) is a 37.5" American Elm in good-to-fair condition. The Directors deliberated the application in a meeting on May 18, 2023.

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;

The subject property is part of the Oakland Mills Village Center but has remained vacant for over twenty years after the original gas station was razed. Redevelopment of the property cannot be reasonably accomplished without the trees suffering impacts as the critical root zone extend well onto the developable area of the property. The location of the trees within a highly developed area limits the environmental and habitat value of the trees. Further, the trees' location at the lowest elevation of the site, which provides the best location for a bioretention facility, suggests an additional unwarranted hardship for the redevelopment of the site.

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

The site was originally developed as a gas station (MVFF) and the current proposal offers the same amenities commonly found at similar modern facilities. The impervious areas of the original development remained on the site while the site remain unused. The proposed site design will reduce the amount of impervious area on the property and propose new landscape trees and shrubs. The final landscape design will provide more vegetation

WP-23-088, 7-11 Stevens Forest – Directors Action Report

on the site, increased stormwater management, and the Village Center will benefit from the site being utilized with a traditional village center commercial use.

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

The two specimen trees to be removed are not located within wetland or stream buffer, and much of their root zone is currently under asphalt. The removal of the trees will make way for a bioretention facility that will improve the quality of stormwater captured by the facility.

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 proposal does not include removal of any forest. The trees were originally landscaping trees that grew to specimen tree diameter but provide limited environmental value due to their location in a village center between two previously graded and developed parcels. It would be difficult to develop the site and provide stormwater management without impacting the trees due to their location at the edge of the existing pavement.

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

Considering the location of the existing pavement on the site, it would be difficult to improve the site without impact to the trees' critical root zone. As the trees were landscaping trees for the original development within the Village Center and not part of a wooded or forested area not part of a previous limit of disturbance, the variance is not requested on conditions or circumstances resulting from 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; and

The request is not resulting directly from a land or building use on a neighboring property. The trees were planted between two previously improved properties when the Village Center was initially constructed.

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

Until recently, development projects in the New Town zoning district were not subject to the Forest Conservation regulations. Properties were mass graded and developed at higher density with forested areas with a higher resource value such as within stream and wetland buffers were retained in district-wide open space. Due to majority of the site under existing impervious pavement, the property does not generate a forest conservation obligation. The final design will provide more trees and vegetation than currently exists on the site, include a total of four new trees for the mitigation of the removal of these two specimen trees.

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

1. The removal of specimen trees ST1 and ST3 shall be mitigated with a 2:1 replacement with native 3" DBH trees and incorporated into the landscape plan for the site.

WP-23-088, 7-11 Stevens Forest – Directors Action Report

DocuSigned by:

Mary Kendall

1448BA7380DA4A6

Mary Kendall, Acting Director
Department of Planning and Zoning

DocuSigned by:

Nicola Morgal

1449AA64DFC460

Nicola Morgal, Acting Director
Department of Recreation and Parks

DocuSigned by:

Lindsay DeMarzo

951C4983F005481

Lindsay DeMarzo, Acting Administrator
Office of Community Sustainability

cc: Research
OCS, Lindsay DeMarzo
DRP, Nicola Morgal



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No. *W/23-000*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: 5901 STEVENS FOREST ROAD

Subdivision Name/Property Identification: VILLAGE OF OAKLAND MILLS VILLAGE CENTER

Location of property:

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Tax Map: 36 **Grid:** 10 **Parcel No:** 300 LOT 8 **Election District:** 5th

Zoning District: NT **Total site area:** 10.79 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:

[Empty space for listing previously submitted or currently active plans]

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
FCA Regulations 16.1205 - Forest Retention Priorities	The FCA regulations require that alternative compliance approval be received prior to the removal of any specimen trees on project subject to the regulation. This project requests the removal of 5 of the 43 specimen trees onsite See attached
[Empty space]	[Empty space]

Section Reference No.	Brief Summary of Request

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

Signature of Petitioner Preparer: [Redacted] Date: 9/27/2022

Name of Property Owner: KIRIT PARMAR Name of Petitioner Preparer: John Canoles

Address: OAKLAND FOREST LLC 12620 CLARKSVILLE PIKE Address: Eco-Science Professionals, Inc. P.O. Box 5006

City, State, Zip: CLARKSVILLE, MD 20777 City, State, Zip: Glen Arm, MD 21057

E-Mail: [Redacted] E-Mail: espjic@aol.com

Phone No.: 443 332 6383 Phone No.: 410 683-7840

Contact Person: KIRIT PARMAR Contact Person: John Canoles

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request