



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

December 7, 2016

Wilbur and Evelyn Hinkle Family Ltd
Attn: Barbara Dawson
3067 Shorecrest Bay Drive
Murrells Inlet, SC 29576

RE: WP-16-127, Hinkle Property
(SP-16-007)

Dear Mrs. Dawson:

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) On-Site Forest Retention** which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County. This alternative compliance request will allow for the removal of 8 of 65 specimen trees for the proposed development as shown on the alternative compliance exhibit as Specimen Tree numbers 7, 12, 13, 25, 26, 70, 87, and 90.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the submitted Preliminary Equivalent Sketch Plan, SP-16-007.
2. Sixteen (16) 2.5"-3" caliper, native shade trees as mitigation for the removal of the 8 specimen trees from the property. Surety for the mitigation trees shall be added to the landscape surety with the final plan supplemental and road construction drawings.
3. Include the alternative compliance request number, description, and decision on all associated plans, plats, and future site plans.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The applicant proposes the subdivision of Parcel 93 into 9 buildable lots, one Buildable Preservation Parcel A and Non-Buildable Preservation Parcels B & C. The existing public right of way of Buck Haven Court will be extended westward across Parcel 93 to end in a cul-de-sac. Non-Buildable Parcel B will contain areas of streams, wetlands, their buffers, steep slopes, floodplain, a forest conservation easement, and will surround the perimeter of the buildable lots. The preservation of these elements on the western property boundary shifts the developable areas to the eastern side of the property and limits the developable area. The lack of flexibility available in the buildable areas to place the houses, creates issues in protecting all the specimen trees located on the property. The extension of Haven Court will require the removal of specimen trees ST# 25, 26, and 90 due to expansion of the roadway and public right of way. Due to the close proximity to the proposed houses and septic reserve areas on Lots 2, 3, 9, and Buildable

Preservation Parcel A, ST# 7, 12, 13, 70, and 87 will be removed. The preservation of these specimen trees is not feasible and is in conflict with other County and State Health Department requirements.

Implementation of Alternative Proposal:

The intent of the regulations is to protect existing trees 30" in diameter or larger as they are considered priority for on-site retention and protection in the County. The intent of the regulations would be better served through the implementation of an alternative proposal and approval of the alternative compliance request. Alternatively, sixteen (16) new shade trees will be planted as mitigation for the removed specimen trees. The mitigation plantings will be in addition to the landscape plantings currently required per the Howard County Landscape Manual.

Detrimental to the Public Interests:

Approval of the alternative compliance request would not be detrimental to the public interest. The applicant is attempting to develop the property in a safe and orderly manner while meeting required setbacks, well and septic locations, stormwater management, and protection of environmental features and existing forest. In doing so, however removal of eight (8) specimen trees for construction of homes and the public roadway is necessary. Shifting lot lines, roadway, or relocation of storm water management facilities would not be beneficial in this case. Removal of the specimen trees and planting additional landscape shade trees would better serve the residents of this subdivision and provides a better solution.

Nullifies the Intent or Purpose of the Regulations:

Approval of the alternative compliance request would not nullify the intent of the regulations. The regulations allow for the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees unless their retention is not practicable within the context of the site development. Given that the layout of the subdivision was designed to preserve an extensive amount of sensitive environmental areas and specimen trees the removal of the eight (8) trees would not be a nullification of the intent of the regulations. The removal of the eight (8) specimen trees is necessary for the successful and practical construction of the proposed homes, roadway, and infrastructure. Removal of the specimen trees is based on the subdivision lot and road layout design approved by the Planning Board on November 17, 2016

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 requested alternative compliance will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
GLW
Forest Conservation Coordinator
Marian Honeczy, DNR
SP-16-007