



# 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

August 9, 2016

Raymond F. Day III  
2034 Millers Mill Road  
Cooksville, MD 21723

RE: **WP-17-008, Millers Mill**

Dear Mr. Day:

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. Compliance with all SRC Agency comments generated with the review of the submitted Simplified Environmental Concept Plan.
2. Provide (2) replacement trees of 2 ½" to 3" caliper on site in place of the removed trees as mitigation to be shown on the submitted Simplified ECP plans.
3. Include the alternative compliance request number, description, and decision on all associated and future 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. There are multiple specimen trees located on the property. The house was placed toward the center of the property and the surrounding site elements were placed to avoid the majority of the existing vegetation and to minimize disturbance to the site. The house was placed in a centralized location to maintain some distance from the surrounding properties and houses and to make use of the proven well and septic areas while minimizing the amount of disturbance to the site. The proposed Oak to be removed is right in the center of the property making development of the property while retaining the tree extremely difficult.

**Implementation of Alternative Proposal:**

The intent of the regulations is to protect the priority forest areas and the specimen trees while allowing reasonable development of the property. The project meets the intent of the Regulations by retaining the vegetated areas on site and preserving the majority of the specimen trees.

**Detrimental to the Public Interests:**

The majority of the existing vegetation and specimen trees will be preserved on site. Measures have been taken in the design for the property to preserve and protect the specimen trees on the property. As such the single tree removed will not be noticeable to the public given the amount of existing vegetation and existing specimen trees to remain on site.

**Nullifies the Intent or Purpose of the Regulations:**

Approval of the alternative compliance request would not nullify the intent of the Regulations as they allow the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees and avoid their unnecessary removal provided that their retention is not practical within the context of the site development. The central location of the tree makes its retention difficult while practically developing the parcel. As such the single tree removed will not be noticeable to the public given the amount of existing specimen trees and vegetation to remain on 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 requested alternative compliance will remain valid for one year from the date of this letter or as long as this building permit remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-2350 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services