



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 22, 2016

Ray & Carolyn Bateman
617 Peck Road
Downingtown, PA 19335

RE: WP-17-013 Tall Trees, Lot 2
5513 Green Bridge Road

Dear Mr. & Mrs. Bateman:

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)**, and **Section 16.120(b)(4)(iii)(b)** of the Howard County Subdivision and Land Development Regulations. **Section 16.1205(a)(7)** of the Howard County Subdivision and Land Development Regulations 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. **Section 16.120(b)(4)(iii)(b)** of the Howard County Subdivision and Land Development Regulation states that for a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

Approval is subject to the following conditions:

1. The applicant shall mitigate removal of the 6 specimen trees by preserving the remaining fifteen specimen trees and placing 1.33 acres of forest retention in a permanent forest conservation easement.
2. Add a general note to the Simplified Environment Concept Plan to show the following:
 - ✦ The assigned Alternative Compliance Request file number, WP-17-006
 - ✦ Alternative Compliance Request Sections- Section 16.1205(a)(7) & Section 16.120(b)(4)(iii)(b)
 - ✦ Date of approval
 - ✦ Conditions of approval.
3. The applicant shall comply with the SRC comments regarding the Simplified Environmental Concept Plan, and resubmit to DPZ for review. Until the Simplified Environmental Concept Plan is approved, no building permits can be attained.
4. To ensure long term protection of the forest retention area, the property owner shall execute a "Deed of Forest Conservation Easement" as prepared by the DPW, Real Estate Services Division and recorded in the Land Records Office of Howard County, MD, or submit an "Original's Only" request to the Department of Planning and Zoning for a Plat of Revision for lot 2 to add the required forest conservation easement on the subject lot and recorded in the Land Records Office of Howard County, MD. (Per Section 16.103(j), see attached Original's Only Process procedures).

5. Upon resubmission of the Simplified Environmental Concept Plan to DPZ, the Forest Conservation Easement must be shown on Lot 2.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties:

This lot is entirely wooded and has a large number of specimen trees; however majority of the specimen trees are in fair to poor condition. The lot was originally developed and recorded in 1991, prior to the current forest conservation ordinance. The well has been drilled and the septic system easement was determined years ago. The proposed house is located between the existing well and septic area in order to minimize the overall forest impact. Retention of the six specimen trees will create extreme hardship for the owners to build a house and associated driveway, well and septic system.

The purchase of an off-site forest conservation bank credits or payment of the Fee-In-Lieu for the 1.33 acres will create an extreme financial hardship to the applicant. Allowing the applicant to put a Forest Conservation Easement on site will protect and preserve the existing forest that is located on site; while fulfilling the forest conservation requirement.

Implementation of Alternative Proposal:

Fifteen of the twenty-one specimen trees located on site will be retained and 1.33 acres of existing forest will be placed in a permanent easement. As mentioned above, most of the trees to be removed are in fair to poor condition, and could become a potential hazard for the applicant, or the proposed house.

Providing the 1.33 acres of Forest Conservation Easement over the existing woods on-site allows for the conservation of a mature wooded area which adjoins other heavily wooded lots in close proximity to Rocky George Reservoir. By allowing the encumbrance on this lot, the forested area can be maintained to the greatest extent practicable.

Approval will not be Detrimental to the Public Interest:

The trees that are to be removed are internal to the site among the existing forest so as not to be visible to the neighboring properties due to the other existing forested areas that will be placed in the proposed forest conservation easement. This will also eliminate a potential hazard to the proposed house, and or owners with the removal of trees in poor conditions.

This alternative compliance request will not be detrimental to the public interest since the existing mature forested areas will be protected and preserved on the lot within the Forest Conservation Easement.

Approval will not nullify the Intent of the Regulations:

Approval of this alternative compliance request will not nullify the intent of the regulations since the applicant will be protecting 1.33 acres of existing forest in a retention easement. The applicant will be removing trees that's are in fair to poor conditions, and the proposed house is being placed in the best buildable location to limit impacting the existing forest.

Placing the forest conservation easement on this lot will allow the protection and preservation of the existing mature forested areas to remain. This will also keep the natural appearance of the adjoining lots since DPZ granted approval for a Forest Conservation Easement to be place on Lot 3 of this subdivision.

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 Rashidi Jackson at (410) 313-2350 or email at rjackson@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/RJ

cc: Research
DED
Real Estate Services
CLSI- Linda Alexander