



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

March 29, 2017

Trinity Homes Maryland
3675 Park Avenue, Suite 301
Ellicott City, MD 21043

RE: WP-17-058, Magnolia Manor (S-17-002)

Dear Owners:

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 to the following sections.

- Section 16.1205(a)(7) of the Howard County Subdivision Regulations– Forest Retention Priorities. State Champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. The request is to allow for the removal of four specimen trees. (ST#1, ST#5, ST#7 and ST#17)
- Section 16.116(a) Streams & Wetlands – to allow approximately 3,500 square feet of disturbance within 25' wetlands buffer for construction of Laurens Way.
- Section 16.120(b)(4)(iii) Lot Layout. Useable design. Residential lots shall be designed to be usable in terms of: Not being encumbered by environmentally sensitive features. To allow environmental buffer on a lot less than 10 acres for existing house Lot 60.
- Section 16.134 Sidewalks and Walkways – requiring a sidewalk on both sides of Laurens Way for a multifamily development.

Approval is subject to the following conditions:

1. Add a general note for the Alternative Compliance WP 17-058, on S-17-002, Magnolia Manor stating the request, section reference number, the approval date and conditions.
2. Show the specimen trees being removed and labeled per WP-17-058 on the plan mylar original, for S-17-002.
3. Removal of the 4 specimen trees is subject to providing the replacement of eight 3-½" minimum caliper native shade trees located at a more appropriate location as perimeter landscaping or forest conservation planting.
4. It is recommended that specimen tree #8 be removed as part of this request if the tree is dead as indicated in the specimen tree chart. Prior to removing the tree, the applicant shall submit a report and/or photographs documenting the condition of the tree.

5. Specimen trees where the critical root zone is impacted by the limit of disturbance will require pre-development, during development and post-construction practices and measures to minimize impact to the trees. These specific practices will be identified within the final subdivision plan and shall be implemented and/or supervised in the field by a certified arborist. Specimen Tree #8 thru Specimen Tree #16.
6. The proposed limit of disturbance within the 25' wetlands buffer for the Laurens Way road construction shall be the minimum necessary for the road construction.
7. Subject to obtaining all the required wetland permits from MDE and/or the U.S. Army of Corp. of Engineers.
8. Compliance with Development Engineering comments

Our decision was made based on the following:

Extraordinary hardship or practical difficulties - The petitioner would incur extraordinary hardship and practical difficulties if they are required to comply strictly with the regulations and modify the plan to protect all specimen trees found within the proposed development limits. There are 17 specimen trees located on the proposed subdivision of Magnolia Manor and the property owner is proposing to remove only 4 trees. Specimen Tree #1 is located in close proximity to the proposed sewer main outfall. The sewer is located specifically to minimize other impacts to streams, wetlands, and buffers. Specimen trees #5 & #7 are proposed to be removed to accommodate the cul-de-sac for Lots 14-24 and is located to minimize disturbance to the existing trees and specimen trees along the southern property line in which the road right-of-way is then established by applying the front setback. The cul-de-sac is oriented to facilitate the existing house on proposed Lot 61. Specimen tree #17 is to be removed due to its proximity to proposed sidewalk and roadway construction. Additionally, this tree is located in the BGE protected zone which prohibits trees due to its proximity to the overhead powerlines. Should the regulations be strictly enforced, and the plan altered to save the 4 specimen trees, the site cannot be developed as proposed.

Also, the petitioner has demonstrated that strict compliance with the regulations would create practical difficulty as provisions of the sidewalks, irregular lot shape and disturbance to the wetlands would create impractical and unattractive discontinuity of the proposed subdivision. Additionally, the project serves to decrease the overall environmental impacts by restoration of previously permanent impacts.

Alternative Proposal - The petitioner has demonstrated that approval of this alternative compliance is a reasonable alternative. The alternative compliance exhibit provides all relevant information and details. The applicant has proposed reasonable development with appropriately sized houses to be compatible with the surrounding neighborhood, minimized the grading to save trees wherever possible and provides the least amount of disturbance to the environmental area. The removal of the four specimen trees will be augmented with installation of 8 new native trees to be planted in a high priority area. It is felt that the new landscaping will enhance the appearance of the property by providing a balance between the existing trees that can be saved and the new plantings. As such, it is felt that this alternative proposal will serve the regulations and the surrounding community to a greater extent.

Not Detrimental to the public interest - The approval of the alternative compliance will not have any detrimental impacts to the public interest. The removal of the trees and disturbance to the environmental area will not impact water quality or habitat value/function. The removal of the trees may be noticed by neighbors from an aesthetic standpoint, but this impact will be mitigated by proposed landscaping. The owner is not circumventing the intent of the forest preservation regulations but is attempting to reasonably develop the subject lots with adequate and safe lot design and conditions for the new homeowners.

Will not nullify intent or purpose of the regulations - Approval of this alternative compliance is based on the petition submitted, in conjunction with adherence to the conditions enclosed, and will not be detrimental to the public interest. Reasonable efforts were made to preserve the trees and to limit disturbance in the environmental area. Also, not requiring the applicant to construct sidewalks on the north side of Laurens Way since there are no homes which would be served by this sidewalk and deletion of this portion of the sidewalk

reduces impervious surfaces which provide a public benefit and minimizes unnecessary impact to the environmental features

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 Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
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S-17-002