



# 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

March 9, 2017

Trinity Homes Maryland  
Attn: Michael Pfau  
3675 Park Avenue, Ste. 301  
Ellicott City, MD 21043

RE: WP-17-059, Magnolia Manor West(S-17-003)

Dear Mr. Pfau:

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)** for removal of seven specimen trees subject to the following conditions:

1. Add a general note for the Alternative Compliance WP 17-059, on S-17-003, Magnolia Manor West stating the request, section reference number, the approval date and conditions.
2. Show the specimen trees being removed and labeled per WP-17-059 on the plan mylar original, for S-17-003.
3. Removal of the 7 specimen trees is subject to providing the replacement of fourteen 3 ½" minimum caliper native shade trees as stated in the alternative compliance justification to be located at a more appropriate location.

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 7 specimen trees located on the proposed 7 lots of Magnolia Manor West and the property owner is proposing to remove all 7 trees. Specimen Tree #1 is located within the 24' use-in-common driveway and within the 30' public water, sewer and utility easement; specimen tree #2 – white oak located 20' from an existing house and 14' from an existing garage and in the location of where the proposed SFD is being located; specimen tree #3 is southern red oak located within the proposed house foundation for lot 5; specimen tree #4 is located from the edge of the proposed house foundation for lot 5 and less than 15' from the proposed micro bio-retention facility; specimen tree #5 – silver maple located immediately adjacent to one of the existing houses which will be removed and 5' from the proposed SFD; specimen tree #6 – Norway maple located approximately 13' from the proposed house on Lot 1 and at the proposed location of the bio-retention facility; specimen tree #7 – red maple located 20' from the proposed houses on Lots 1 & 2, the final grade will be approximately 4' higher than the existing grade and is in close proximity to the dry well. Should the regulations be strictly enforced, and the plan altered to save the 7 specimen trees, the site cannot be developed as proposed. Protection of an existing wetlands and 25' buffer on the south side of the site dictated moving the shared driveway and house to the north side of the site where the specimen trees are located.

Alternative Proposal - The applicant has proposed reasonable development with appropriately sized houses to be compatible with the surrounding neighborhood and has located the driveway to minimize grading to save trees wherever possible. The removal of the seven specimen trees will be augmented with installation of 14 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 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 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 but due to safety concerns for the property owner, it was decided that in the best interest of the public, that the seven specimen trees must be removed.

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](mailto:jwellen@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jw

cc: Research  
DED  
Real Estate Services  
Robert H. Vogel Engineering  
Norman & Janet Giddings  
Forest Conservation Coordinator  
Marion Honcezy, DNR  
S-17-003