



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

April 11, 2017

Lingyu (Leon) Chen & Weihong (Amy) Li
6236 Welcome Home Drive
Columbia, Maryland 21045

RE: WP-17-101, Tall Trees, Lot 3

Dear Mr. Chen & Ms. Li:

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.

Approval is subject to the following conditions:

1. Alternative Compliance approval is limited to the removal of specimen trees #2, #4, and #7 as depicted on the exhibit. Any proposal to remove the remaining specimen trees will require a new Alternative Compliance request.
2. A minimum of six, native, 2.5"-3" caliper, shade trees shall be provided as mitigation for the removal of the three specimen trees from the property. Landscaping surety, in the amount of \$300.00 per tree, shall be provided with the applicant's grading permit.
3. Include the Alternative Compliance request number, description, and decision on all associated plans, plats, and any future site plans.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The location of specimen trees #2 and #4 are in an area of the lot where the applicant has realized during the construction process that he would like to grade to lessen the steepness of the rear yard. Removing these two specimen trees would create more usable yard space. Specimen tree #7 was inadvertently shown in the incorrect location on the original plan. This tree is located within the septic reserve area. The applicant believes that it would be more appropriate to remove the tree while the lot is under construction because of the Health Department's policy to remove trees located within the private septic easement area. Strict enforcement of the code would create a hardship and practical difficulty for the property owner, should these trees remain.

Not Detrimental to the Public Interest: The trees that are proposed to be removed are internal to the site, while the remaining three specimen trees are located at the edge of the existing forest. Two of the three trees proposed to be removed are not visible to the neighboring properties, due to the other existing trees on-site. Also, the Forest Conservation Easement met the site's requirement for retention. For these reasons stated above, the applicant believes that it would not be detrimental to the public interest to allow the proposed trees to be removed. By making reasonable effort to retain other on-site forest and trees as well as the three

remaining specimen trees, it is felt the removal of these specimen trees on-site will be mitigated. As such, approval of this alternative compliance should not be seen as detrimental to the public interests.

Will not nullify the intent or purpose of the regulations: The intent of the County's forest retention policies is to conserve large, native trees, which are in good condition on-site. This property will still retain three of the original 8 specimen trees on site. This is along with the 1.24 acres of forest that was placed in a Public Forest Conservation Easement. Since mature forested area is already retained on-site, the applicant feels that removal of these individual trees within the buildable area of the site is mitigated. The County will require mitigation for the removal of the specimen trees.

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 Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/ktb

cc: Research
DED
Real Estate Services
Forest Conservation Coordinator
Marian Honecny, DNR
FCC