



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

October 11, 2017

Michael Harris
650 Long Corner Road
Mt. Airy, MD 21771

RE: WP-18-030 Harris Property

Dear Mr. Harris:

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 alternative compliance of **Section 16.1205(a)(7)** of the Subdivision and Land Development Regulations, which states that trees 30" in diameter or larger shall be left in an undisturbed condition during construction.

Approval is subject to the following conditions:

1. The approval of this alternative compliance request applies only to the 31" Tulip Poplar as shown to be removed on the plan exhibit. The removal of any other specimen tree on the subject property is not permitted under this request unless it can be sufficiently demonstrated by the applicant to be justified.
2. The developer shall plant two 2-½" minimum-caliper native shade trees to mitigate the removal of the specimen tree. Include the additional trees on the Simplified Environmental Concept Plan and all subsequent permit plans.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The Tulip Poplar tree is located within the area of the proposed septic system. This area was approved by the Health Department for construction of a septic system based on the results of percolation testing. Strict compliance with the regulations would prevent the construction of the septic system and impose an extraordinary hardship for the owner. The tree shows signs of trunk rot and was noted to be in poor condition.

Not Detrimental to the Public Interest:

The removal of the tree is necessary to permit construction of the septic system. The septic construction will be inspected by the Health Department for compliance with all applicable regulations. The removal of the tree will not have a negative impact on the adjoining property owners since the tree is located internally within the site. The owner will be required to plant two new native shade trees to mitigate the removal of the specimen tree.

Will not nullify the intent or purpose of the regulations:

The Tulip Poplar tree was determined to be in poor health based on the Forest Stand Delineation report prepared by Wright Environmental Services. The intent of the regulations will be better served by the planting of two native shade trees as mitigation. The proposed house is located outside of the planned service area for water and sewer and therefore must be served by a septic system. The location of the septic system is dependent on

percolation tests and approval by the Health Department. The removal of the specimen tree will not nullify the intent or purpose of the regulations.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related 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 grading plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Charles Crocken
Marian Honeczy- DNR