



# 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

May 29, 2018

Kindler Associates  
9250 Berger Road, Suite 212  
Columbia, MD 21045

RE: WP-18-115 Kindler Court

Dear Sir or Madam:

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 Specimen Trees 1, 2 and 3.

Approval is subject to the following conditions:

1. Mitigate at 2:1 the removal of three specimen trees. The replacement trees shall be a total of 6 native shade trees of 2.5" caliper and planted along the proposed enhanced buffer on the north property line.
2. Indicate this Alternate Compliance file number (WP-18-155), on sheet 1 of Final Plan (F-18-074), including section numbers, conditions of approval and date of decision.

Our decision was made based on the following:

### **Extraordinary Hardships or Practical Difficulties:**

The location of specimen tree ST-1, a 47" Silver Maple near the existing house is identified to be removed due to potential damage to the existing root system during demolition of the existing structure and well and septic system on site. The demolition creates practical difficulty to retention of the specimen tree. This specimen tree is also located on the primary developable building envelope within the site. Specimen tree ST-2, a 38" non-native Horse Chestnut and Specimen tree ST-3, a 36" no-native Norway Maple are near the proposed use-in-common driveway providing access to Kindler Road for this development.

The proposed use-in-common driveway location is near the existing driveway location. Meetings and communications with Howard County DPZ staff has determined the current layout provides the most compatible lot layout within the existing community while satisfying the intent of the infill guidelines for minor subdivisions in the R-12 zoning district. Specimen tree ST-3 is also in poor condition with evidence of trunk rot and limb dieback noted.

Should the Regulations be strictly enforced, it would create an extraordinary hardship and practical difficulty for the owner/developer due to the location of the trees, limited developable area of the site, shared access required under the infill regulations and poor condition of Specimen tree ST-3.

### **Alternative Proposal:**

To comply with restrictions against front to back orientation (in relation to adjacent developments), several lot layouts were explored and discussed with DPZ staff. Alternative proposals included moving the shared driveway

and changing the orientation of the dwellings. The current layout includes a proposed enhanced landscape buffer on the north property line and was determined to be the most desirable when all requirements of orientation, setbacks, storm water management, and landscaping were considered.

**Not Detrimental to the Public Interest:**

Three (3) specimen trees proposed to be removed are internal to the site and surrounded by other site trees. Although the removal of the trees will be visible to surrounding properties, the visual impact will be minimized by the existing trees to remain and the additional proposed landscaping. Also, ST-3 poses a potential hazard due to its compromised health. It is in the public interest to allow its removal and avoid potential hazard.

**Will not nullify the intent or purpose of the regulations:**

The overall intent of the regulations is to allow development while protecting environmentally sensitive features. This proposed site plan includes landscaped perimeters and an enhanced landscape buffer on the North property line. Additionally, 6 native trees will be planted to mitigate the removal of the 3 specimen trees. The intent is there for satisfied while granting relief from strict adherence.

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 Donna Despres at (410) 313-3429 or email at [ddepres@howardcountymd.gov](mailto:ddepres@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/JF/DD

cc: Research  
DED  
Real Estate Services  
Fisher, Collins and Carter