



# 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

August 20, 2018

Patrick Family Limited Partnership  
PO Box 482  
Lisbon, MD 21765

RE: WP-19-007 Patrick Family Limited Partnership  
Alternative Compliance Application Approved

Dear Sirs or Madams:

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)** (Forest Conservation Regulations: retention of State champion trees, trees 75 percent of the diameter of State champion trees, and trees 30 inch in diameter or larger) for the removal of 2 specimen trees, shown on the plan as SP#1, a 31" Chestnut Oak and SP #2, a 34" Red Oak in order to build a home with septic on lot 4 and to provide a driveway with safe sight distance to serve all four homes.

Approval is subject to the following conditions:

1. Indicate this Alternate Compliance file number (WP-19-007), on sheet 1 of final plan (F-18-008), including section numbers, conditions of approval and date of decision.
2. Mitigate at 2:1 the removal of two specimen trees. The replacement trees shall be a total of 4 native shade trees of 2.5" caliper and planted in the proposed Forest Conservation Retention Easement.
3. F-18-008 shall include a Forest Conservation Retention Easement, final acreage subject to potential changes or comments during review of the final plan.

Our decision was made based on the following:

**Extraordinary Hardships or Practical Difficulties:**

Development Engineering Department required the project entrance on Florence Road to be moved, in consideration of safety and sight distance, which also resulted in less pavement. Redesign of the entrance necessitated removal of 75% of roots of Specimen #1 to within 5' of tree. The tree is in fair condition, but removing the required amount of root area for grading will likely result in the death of the tree.

On Lot 4, approval of percolation testing and the resulting house location placed Specimen #2 within 20' of excavation for the foundation and within 30' of excavation for the initial sewage treatment system. Such excavation will remove more than half of the anchor roots and feeder roots. Therefore, the tree will become structurally unsafe and nutritionally strained. Further, the tree canopy is thin and the tree has a severe bole with a split that starts at eye level. It's condition is considered poor.

Strict compliance with the Regulations would create practical difficulties and extraordinary hardships because moving the driveway and septic areas would create more clearing and potentially less desirable site distance conditions.

**Alternative Proposal:**

Approval of alternate compliance will allow review requirements by DED to be met for vehicle ingress and egress to Florence Road. It will also result in a safer dwelling and allow more light into the forest for younger trees to flourish. Less forest will be removed and the plan is proposing 3.35 acres of Forest Retention that is not currently in a preservation easement. The regulations will be better served through the alternative proposal.

**Not Detrimental to the Public Interest:**

The specimens being removed are deep in the forest, between 100' and 400' from Florence Road, well beyond visual interest of the public. Additionally, tree removal will enhance health of the forest and growth of younger trees, thereby enhancing the public interest.

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

Because forest health will be improved and 3.35 acres will be preserved, less forest will be removed, less pavement will be installed, and less land will be used for the subdivision, this request will not nullify the intent of the regulations.

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/DD

cc: Research  
DED  
Real Estate Services  
Vanmar Associates  
F-18-008