



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 25, 2018

Gerard David O'Neill  
5249 Kerger Road  
Ellicott City, MD 20143

RE: WP19-028 Kerger Road, Lots 1-5

Dear Mr. O'Neill:

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 retention priorities, the removal of 2 specimen trees.

Approval is subject to the following conditions:

1. Add the Alternative Compliance WP 19-028, on all proposed plans as a general note stating the request, the approval date and conditions.
2. **Show the 2-specimen tree being removed and labeled per WP-19-028 on all plans. The specimen tree removal will be mitigated by the planting of 4 perimeter landscape trees of 2 1/2" to 3" caliper.**

Our decision was made based on the following:

Extraordinary hardship or practical difficulties

This is an existing parcel which has 12 specimen trees on site. Since this is an existing parcel it is not possible to retain the 2 - specimen trees requested for removal on site and construct the new SFD's because of the location of the proposed SFD's. Should the Regulations be strictly enforced, the house siting could not be altered to save this tree and the lots could not be developed which would result in extraordinary hardships and practical difficulties for the Owner. In order to be sensitive to protection of the stream and to stay out of the 75-foot stream buffer, the houses have been pushed forward on the lots as far as possible causing no disturbance of the tree's critical root zone and the tree removal.

Alternative Proposal

The alternative proposal would be to not build a new SFD's on the parcel, which would then result in a financial hardship for the owner which has a right to build a house on this buildable lot. The site backs up to woods and is heavily surrounded by trees. There are several other large trees and 10 other specimen trees in good condition that will be retained on the site. The applicant will mitigate the tree removal by planting 4 perimeter landscape shade trees.

Not Detrimental to the public interest

The approval of the Alternative Compliance will not have any detrimental impact to the public interest. The removal of the trees will not impact water quality or habitat value/function. The owner is not circumventing the intent of the forest preservation regulations but is attempting to subdivide on the subject property with adequate and safe lot design and conditions for the new homeowner.

Will not nullify intent or purpose of the regulations

Approval of this Alternative Compliance based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. Reasonable efforts were made to preserve the trees, but due to the limitations of the site and the locations of the trees it is clear that the removal of the trees would not be practical. Therefore, approval of the alternative compliance meets the intent of the alternative compliance process component 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 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  
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