



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

November 30, 2018

Natalie Ziegler
4888 Castlebridge Road
Ellicott City, MD 21042

RE: WP-19-032, Carroll/Ziegler Property
(F-19-014, Kings Forest)
Alternative Compliance Petition

Dear Ms. Ziegler:

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)**.

Approval is subject to the following conditions:

Removal of the three (3) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper native tree species (at least three (3) inches dbh) for each specimen tree removed (6 trees with this alternative compliance petition, and 6 trees with WP-14-119, (12 trees total)). The mitigation planting can be provided as part of the required perimeter landscaping for this project. You must submit a revised landscape plan with your Final Subdivision Plan for this property (F-19-014), that shows how you plan to address this alternative forest conservation mitigation.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the specimen trees located on the property due to the unique shape of the existing parcel, the existing topography, the location of other existing sensitive environmental areas, and the proposed location of septic systems and storm drain systems. Because of these factors, it is not possible to retain the three (3) specimen trees and still maintain reasonable development of the property. The retention of the specimen trees cannot be accomplished without restricting the proposed subdivision and intended use of the site. The applicant's proposal will preserve 6 of 15 existing specimen trees on site.

Alternative Proposal

The alternative proposal would require the applicant to retain all specimen trees on the parcel. However, due to the location of other existing sensitive environmental areas, and the proposed location of septic systems and storm drain systems, the retention of the specimen trees cannot be accomplished without restricting the proposed subdivision and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to remove the three (3) additional specimen trees and permit alternative compliance with replacement mitigation planting for the removed specimen trees.

Not Detrimental to the Public Interest

The alternative compliance request for specimen tree removal will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the three (3) specimen trees.

Will not nullify the intent or purpose of the regulations

Approval of the alternative compliance request for specimen tree removal will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, "planting in an alternate location," if it is deemed to have a "greater environmental benefit." This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a "greater environmental benefit" than retention of the specimen trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the three (3) additional specimen trees and provide an additional buffer to the adjoining community. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit.

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 J.J. Hartner at (410) 313-2350 or email at jjhartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Real Estate Services
File #'s F-19-014 & WP-19-032
Benchmark Engineering, Attn: John Carney