



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 4, 2019

Josh Yoltay
14325 Howard Road
Dayton, MD 21036

RE: WP-19-043 Willow Nook

Dear Mr. Yoltay:

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 and Section 16.135 – Street Lighting.**

Approval is subject to the following conditions:

1. Mitigate at 2:1 the removal of the 2 specimen trees. The 4 replacement trees shall be native shade trees of 2.5" caliper and planted in addition to any Landscape requirements for development of the site.
2. Indicate this Alternate Compliance file number (WP-19-043), on the cover sheet of all current and future plan submittals; include section numbers, conditions of approval and date of decision. This includes F-18-118, which is currently under review.
3. Include a reference to WP-19-043 on any related landscape plans and indicate which trees are used to satisfy the conditions of approval.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Regarding Specimen Trees: Strict compliance with 16.120(a)(7) would render the property undevelopable. Howard County Zoning Regulations require lots within the R20 zone to be a minimum of 20,000 square feet. The proposed lot exceeds the lot size minimum by +/6,500 sf, however the number of specimen trees on or near the lot boundaries create a situation where a large majority of the property is encumbered by a critical root zone. The areas outside the critical root zone are not large enough to build a house or they fall within the Building Restriction lines established by the zoning code. Due to the location of the existing house and the number of specimen trees reconfiguring the lots would not make the situation any better, the extant of the critical root zone areas are too extensive to avoid. For these reasons we believe that strict compliance with 16.1205(a)(7) creates an extraordinary hardship or practical difficulty. The critical root zones for Specimen Trees 5 and 6 fall within the limits of the garage to be removed. To minimize impacts to the remaining specimen trees which are in better condition, the proposed house is located generally in the same location as the old garage. This will help minimize impacts to the root zones of Specimen Trees 2, 3, 4, and 7. The proposed location also keeps a similar setback from the road for the existing house and the new house, for a better aesthetic.

Regarding Street Lighting: The proposed minor subdivision creates one additional lot and does not require the construction of additional public roadway that would generate a new intersection. The regulations do not specify streetlights at each driveway intersection. Approval of the application would keep the existing character of Guilford Road.

Alternative Proposal:

Regarding Specimen Trees: The intent of the regulations will be best served by approval of the alternative compliance because it allows for site design flexibility that will allow for the most efficient site layout of the property. The property is scattered with Specimen Trees and avoiding all the trees would render the property undevelopable. Approving the removal of Specimen Trees #5 and #6 will minimize the impact to other Specimen Trees in better condition. By allowing the developer the flexibility to remove the two specimen trees, a more efficient site design is achieved.

Regarding Street Lighting: The intent of the regulations will be best served by approval of the alternative compliance because street lights do not currently exist along Guilford Road except at intersections of public roads. The proposal does not create a new public road intersection.

Not Detrimental to the Public Interest:

Regarding Specimen Trees: The removal of the two specimen trees will not have an adverse impact on the overall quality of the property. They are located to the rear of the property and are partially screened by the existing garage. They are in poor health with severe limb dieback. Since they are in the interior of the property, they do not add to perimeter screening.

Regarding Street Lighting: The public interest would not be served by requiring a street light that would be inconsistent with existing lighting on Guilford Road. Granting the application would not be detrimental to the public interest.

Will not nullify the intent or purpose of the regulations:

Regarding Specimen Trees: The intent of the Forest Conservation Regulations is to protect existing forest resources and preserve existing canopy. Due to the poor health of Specimen Trees 5 and 6, they do not present a significant canopy and are not contiguous to existing forest. The overall site design has been created in compliance with the regulations, including perimeter landscaping. Approval of the application to remove two trees in poor health does not nullify the intent of the Regulations.

Regarding Street Lighting: Section 16.135 does allow for the Department of Planning and Zoning, after consultation with the Director of Public Works, to determine adequate street lighting already exists. DPW has also reviewed this application and has determined a street light will not be required by DPW as part of this plan. The intent of the regulations have been met through the submission and review of this application.

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.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/DD

cc: Research
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Real Estate Services
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F-18-118 Willow Nook
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