



# 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

June 25, 2019

Donald Reuwer  
8318 Forrest Street, Suite 200  
Ellicott City, MD 21043

RE: WP-19-116, Glen Oaks Place

Dear Applicant:

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) On-site Forest Retention** and **Section 16.120(c)(4) Minimum Frontages**.

Approval is subject to the following conditions:

1. Submission of a preliminary plan to create the nineteen (19) new Single Family Attached fee-simple lots for review by the SRC.
2. A homeowners association (HOA) shall be created for the single family attached (SFA) development in accordance with Section 16.121(c) of the Howard County Subdivision and Land Development Regulations.
3. The private drive will be constructed in accordance with the approved Design Manual requirements issued by the Development Engineering Division. Furthermore the drive must be designed and constructed in accordance with any requirements provided by the Development Engineering Division, Department of Public Works, and the Department of Fire Rescue Services as part of the preliminary and final plan processes.
4. The private roads shall be maintained and repaired by the HOA.
5. A use in common access easement, and maintenance agreement must be prepared and recorded for proposed Lots 1-19, Open Space Lot 20, and existing Parcel 353 at the final plan stage
6. Provide (12) native species replacement trees of 2 ½" to 3" caliper on site in place of the removed specimen trees ST-1, ST-2, ST-6, ST-9, ST10, and ST11 as mitigation. The mitigated plantings are to be placed on the property to enhance the landscape screening.
7. Specimen Tree ST-3 should be preserved if at all possible. Please provide tree protection measures on subsequent plan submissions including tree protection fence and notes regarding the use of selective root pruning for grading and construction within the CRZ.
8. Add the Alternative Compliance Request number, purpose, section, date, and conditions on all subsequent plan submissions.

Our decision was made based on the following:

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

The Environmental Concept Plan specifies that there are 9 specimen trees located within the property boundaries, and 2 that are immediately offsite that could be impacted by the proposed development. Six of the

onsite Nine trees are proposed to be removed per the accompanying chart on the exhibit. The trees are marked on the exhibit as ST-1, ST-2, ST-6, and ST-9 thru ST-11. The trees proposed to be removed are a Silver Maple in fair condition, a Silver Maple in poor condition, a Red Maple in poor condition, a Norway Maple in poor condition, a Norway Maple in fair condition and a Silver Maple in fair condition. The six trees proposed to be removed occur generally near the center of the parcels making any new development on the property extremely difficult. Additionally, this property is designed with two private drives to facilitate access to the proposed 19 townhomes. The length and width of the pipestem parcel would make conformance with the Regulations extremely difficult while conforming to the other regulations. Private road systems are permitted for condominium developments and while lots are being established for each of the townhomes, the drive will be maintained by the Homeowners Association in the same manner as it would for a condominium development.

**Alternative Proposal:**

Alternatively, the project can proceed to the Preliminary Plan stage with the proposed layout, where more detailed information can be provided toward the review of the subdivision. The trees proposed to be removed are highly likely to be negatively impacted with the demolition of the existing structures. Three of the trees are also in poor condition. Alternatively, new additional shade trees could be proposed to be added to the site design in place of the removed trees. The private drive system better serves the development as it will allow the townhome units to be located on lots without additional rights of way. The private drive will comply with all Howard County design and construction requirements and will provide the residents with greater control over the access to their community,

**Not Detrimental to the Public Interest:**

Approval of the alternative compliance request would not have be detrimental to the public interests as the proposed townhouse lots will be developed in accordance with current Zoning and Subdivision and Land Development Regulations. The proposed private drive will conform to the intersection and safety criteria and provide adequate sight distance onto Glen Oaks Lane. The six proposed trees to be removed could pose a potential hazard due to their location to the proposed development and their poor health condition. Removal of these trees and their replacement would not be detrimental to the public interest. The proposed residential use with townhomes on a private road is appropriate for the Zoning. The drive will be privately maintained by the Homeowners Association. The access to the site with the narrower road right-of-way provides an enhanced residential lot configuration and allows for enhanced landscaping and recreational areas to be provided. The private drive will also be constructed in accordance with the Howard County design standards and paving sections.

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

Approval of this alternative compliance request would not have nullified the intent of the Regulations. Alternative Compliance for the removal of the six specimen trees on the site is particular to the proposed development on this property which is limited by its site conditions as well as the physical condition of three of the trees. The removal and subsequent replacement of the six trees should therefore not be seen as a nullification of the intent of the Regulations. Twelve healthy native replacement trees will be provided for the removed trees in fair and poor condition. The intent of the regulations is also to provide safe vehicular access to each property. The proposed private drive will be constructed in accordance with the Howard County design standards and paving sections in order to provide safe and adequate access. Also because the drive will be private the maintenance, repair, and replacement of the asphalt, and their associated costs will be addressed by the Homeowners Association in place of the County.

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 Nicholas Haines at (410) 313-4333 or email at [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/NH

cc: Research  
DED  
Real Estate Services  
FCC