



# 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

July 3, 2019

Cho Young  
3150 North Ridge Road #307  
Ellicott City, MD 21043

RE: WP-19-125, Meadowood Section 2, Area 2, Lot 39

Dear Mr. Young:

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 16.120(b)(4)(iii)(b)** and **Section 16.1205(a)(7)** subject to the following conditions of approval.

1. The forest conservation easement area is to be properly identified and protected on the subject lots by posting forest conservation easement signs every 50 feet around the perimeter of the easement area. The forest conservation easement signs are to remain posted and visible in perpetuity.
2. The final plat must provide the required 35' setback from the edge of the forest conservation easement in accordance with Section 16.120(b)(4)(iii) of the Subdivision Regulations.
3. Show the 3-specimen trees being removed and labeled per WP-19-125 on the simplified environmental concept plan. The specimen tree removal will be mitigated by the 2 to 1 planting of six 2 -1/2" to 3" caliper native trees on the subject property.
4. The applicant shall take the necessary steps to protect the 4 remaining specimen trees during the construction activity to protect them and their critical root zones in accordance with Appendix "G" Soil and Forest Protection Techniques of the Forest Conservation Manual.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulties* - The applicant purchased this already recorded lot with the existing environmental features and existing woods and if unable to keep the existing forest on site as a forest conservation easement the owner would have to purchase off-site or fulfill the obligation by a payment of fee-in-lieu which would cause extraordinary hardship and practical difficulties. Also, there are 7 specimen trees located on Lot 39 and the owner is proposing to preserve 4 of the specimen trees and remove specimen trees 5-7 which are in a location that requires their removal for the construction of the new SFD and proposed driveway. Should the regulations be strictly enforced, and the plan altered to save the 3 specimen trees, the proposed SFD would need to be relocated on an already environmentally sensitive lot.

*Alternative Proposal* - There are no other viable design alternatives available to the owner based on the existing site constraints. The processing of this alternative compliance should be viewed as a reasonable alternative to serve the intent of the Regulations by retaining the character of this residential neighborhood. The proposed lot design will establish a 35' environmental setback from the forest conservation easement and by allowing Lot 39 to be encumbered with a forest conservation easement there will be a greater protection of the existing environmental features in the area. Without the encumbrance of the forest easement there would be no protection against the future owner cutting down the trees to meet his own purposes. Also, with the specimen tree removal the owner will be mitigating by planting 2 to 1 replacement trees or 6 trees of 2 ½ to 3" caliper trees.

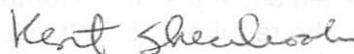
*Not Detrimental to the Public Interest* - Approval of this alternative compliance request will not have any detrimental impacts to public interest, will not alter the essential character of this residential neighborhood and will not impair the use or development of the surrounding properties. It will benefit the public interest by providing for the continued protection of the natural wooded buffer to the adjoining property owners. It also allows for additional protection of the existing environmental features on the lot. The owner is not circumventing the intent of the forest conservation regulations but is attempting to reasonably build a SFD on recorded lot.

*Will not nullify the intent or purpose of the regulations* - Approval of this alternative compliance request will not nullify the intent or purpose of the regulations since the Forest Conservation Easement will be protected in perpetuity. If the easement was not created, the property would be permitted to remove trees and clear the understory. Approval of the alternative compliance will protect the forested areas on the site. Reasonable effort was made to preserve the removal of the 3 specimen trees but due to the existing environmental features the 3 specimen trees must be removed for the house and driveway construction.

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  
NJR & Associates