



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

December 20, 2019

Grove Angle, LLC.  
8611 Hayshed Lane  
Columbia, Maryland 21043

RE: WP-20-042 Grove Angle Property (SDP-20-011)

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), Forest retention priorities**: State champion trees, trees 75 percent of the diameter of State champion trees, and trees 30 inches in diameter or larger. Of the six (6) existing specimen trees on site, the applicant is requesting that Specimen Tree #8's removal be approved. Two (2) trees on the adjoining property were shown on the submitted plans.

**Approval is subject to the following conditions:**

1. The Alternative Compliance approval is limited to the removal of Specimen Tree #8 as depicted on the exhibit. Any proposal to remove any other Specimen Tree will require a new alternative compliance request.
2. A minimum of two (2), native 2.5"-3" caliper, shade trees shall be provided as mitigation for the removal of the one (1) Specimen Tree from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

**Our decision was made based on the following:**

**Extraordinary Hardship or Practical Difficulties:** Specimen Tree ST 8; a 38.5" diameter White Oak that has been identified for removal and is the subject of the Alternative Compliance Petition was determined on close examination to be in poor condition following storm damage and property owner Bill Michell was advised to remove the tree by his arborist. There were many dead branches on the tree and given its height, it was considered dangerous even without the possible impact of future construction activities. From a practical standpoint, this Specimen Tree was in decline and would present a hazard to future residences and neighbors regardless of the location of the proposed driveway or future use-in-common driveway. Based on the condition of the tree, the property owner had the tree removed while he had the equipment onsite as part of the demolition of the existing house. Should the Regulations be strictly enforced, for the above-mentioned reasons, it would create an unwarranted hardship for the property owner to develop this site in accordance with Howard County Zoning and Subdivision regulations.

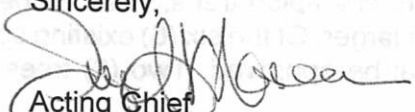
**Alternative Proposal:** The intent of these Forest Retention Priorities is that large, good quality, native trees be priority to be retained but provides alternative compliance for them to be removed. In the case of this site, five (5) of the six (6) existing Specimen Trees onsite will remain. Although four (4) of the Specimen Trees to remain are non-native, they are all in good condition, are well located, and provide screening and privacy for the adjacent properties. From a practical standpoint, this Specimen Tree was in decline and would present a hazard to future residents and neighbors regardless of the location of the proposed driveway or the future use-in-common driveway. There will also be a substitute planting of two (2) additional trees for the removed Specimen Tree.

**Not Detrimental to the Public Interest:** The Specimen Tree, which has been removed due to its condition, will be replaced with two (2) trees and perimeter landscaping. This will be provided at the time of subdivision, which will supplement the existing trees being retained. For this reason and given the poor condition of the existing tree, mentioned above, it would not be detrimental to the public interest to remove the specified Specimen Tree.

**Will Not Nullify the Intent or Purpose of the Regulations:** The removal of the referenced Specimen Tree on this site is particular to the development of this property, which is limited by the condition and location of the Specimen Tree, so it should not be a nullification of the intent 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 Kathryn Bolton at (410) 313-2350 or email at [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov).

Sincerely,  
  
Acting Chief  
Division of Land Development

JM/ktb  
cc: Research  
DED  
Real Estate Services  
Marian Honeczy- DNR  
FCC

**ALTERNATIVE COMPLIANCE**  
**DEPARTMENT OF PLANNING AND ZONING**  
Division of Land Development

**To:** Amy Gowan, Acting Director  
Department of Planning and Zoning

**From:** Kent Sheubrooks, Chief  
Division of Land Development

**Kathryn Bolton, Planning Specialist I**  
Division of Land Development  
410-313-3369, [kbolton@howardcountymd.gov](mailto:kbolton@howardcountymd.gov)

**RE:** **WP-20-042, Grove Angle Property (SDP-20-011)**

**Applicant:** **Grove Angle, LLC.**  
8611 Hayshed Lane  
Columbia, Maryland 21043

**Alternative Compliance Request(s):** The applicant seeks relief from the following section of the Subdivision and Land Development Regulations:

**Section 16.1205(a)(7), Forest retention priorities:** State champion trees, trees 75 percent of the diameter of State champion trees, and trees 30 inches in diameter or larger. Of the six (6) existing specimen trees on site the applicant is requesting that specimen tree #8's removal be approved. Two trees on the adjoining property were shown on the submitted plans.

**Site Description:** The subject property is located at 8235 Grove Angle Road, in Ellicott City, Maryland and encompasses approximately 1.99 acres  $\pm$ . The property is identified as Tax Map 31, Grid 13, and Parcel 35, in the 2<sup>nd</sup> Election District of Howard County, Maryland. The site is zoned R-20 (Residential: Single) District. Currently, the property is unimproved as the existing house was recently demolished.

**Specimen Tree #8 (38.5 White Oak; limb dieback):** Located near the proposed use-in-common driveway along the southern property line.

**Brief Plan/Site History Relevant to Alternative Compliance Request:**

ECP-19-059, was reviewed and approved by DPZ November 1, 2019. The plan shows the subdivision of the site into 3 lots.

SDP-20-011, is currently in review. Revised plans were requested November 22, 2019 with a submission deadline of January 6, 2020. The plan shows only the building of one house on the unsubdivided lot.

**Alternative Compliance Action:** The Division of Land Development recommends **APPROVAL** for alternative compliance of **Section 16.1205(a)(7) of the Subdivision and Land Development Regulations** subject to the following conditions:

1. The Alternative Compliance approval is limited to the removal of Specimen Tree #8 as depicted on the exhibit. Any proposal to remove any other specimen tree will require a new alternative compliance request.

2. A minimum of two (2), native 2.5"-3" caliper, shade trees shall be provided as mitigation for the removal of the one (1) specimen tree from the property. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit as part of the site development plan.

**Extraordinary Hardships or Practical Difficulties:** The Specimen tree ST 8; a 38.5" diameter White Oak that has been identified for removal and is the subject of the Alternative Compliance Petition was determined on close examination to be in poor condition following storm damage and property owner Bill Michell was advised to remove the tree by his arborist. There were many dead branches on the tree and given its height, it was considered dangerous even without the possible impact of future construction activities. From a practical standpoint, this Specimen Tree was in decline and would present a hazard to future residences and neighbors regardless of the location of the proposed driveway or future use-in-common driveway. Based on the condition of the tree, the property owner had the tree removed while he had the equipment onsite as part of the demolition of the existing house. Should the Regulations be strictly enforced, for the above-mentioned reasons, it would create an unwarranted hardship for the property owner to develop this site in accordance with Howard County Zoning and Subdivision regulations.

**Alternative Proposal:** The intent of these Forest Retention Priorities is that large, good quality, native trees be priority to be retained but provides alternative compliance for them to be removed. In the case of this site, five (5) of the six (6) existing specimen trees onsite will remain. Although four (4) of the Specimen Trees to remain are non-native, they are all in good condition, are well located, and provide screening and privacy for the adjacent properties. From a practical standpoint, this Specimen Tree was in decline and would present a hazard to future residents and neighbors regardless of the location of the proposed driveway or the future use-in-common driveway. There will also be a substitute planting of two (2) additional trees for the removed Specimen Tree.

**Not Detrimental to the Public Interest:** The Specimen Tree which has been removed due to its condition, will be replaced with two (2) trees and perimeter landscaping will be provided at the time of subdivision, which will supplement the existing trees being retained. For this reason and given the poor condition of the existing tree mentioned above, it would not be detrimental to the public interest to remove the specimen tree specified.


**Will Not Nullify the Intent or Purpose of the Regulations:** The removal of the referenced Specimen Tree on this site is particular to the development on this property, which is limited by the condition and location of the specimen tree, so it should not be a nullification of the intent of the Regulations.

Prepared By Kathryn Bolton      Date \_\_\_\_\_      Acting Chief \_\_\_\_\_      Date \_\_\_\_\_  
Division of Land Development

**ACTION OF THE PLANNING DIRECTOR**

Approval Subject to 2 conditions as outlined above and/or modified on this form.

Denial, based on the above reasons.

  
Acting Director      Date 12-18-19  
Department of Planning and Zoning

**Grove Angle Property**  
**Alternative Compliance Justification**

On behalf of our client, Grove Angle, LLC, developer of the property known as Grove Angle Property at 8325 Grove Angle Road, Ellicott City, Maryland 21043, we are requesting Alternative Compliance from the following Section of the Howard County Subdivision and Land Development Regulations (Regulations):

**Section 16.1205(a)(7) Forest Retention Priorities.**

(a) **On-site Forest Retention:** The following vegetation and specific areas are considered priority for on-site retention and protection in the County. Subdivision, site development and grading shall leave this vegetation and specific area in an undisturbed condition unless demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered or that forest planting in an alternate location would have greater environmental benefit:

- (7) State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger.

The Grove Angle Property is a Site Development Plan (SDP 20-010) under review which has its current access onto Grove Angle Road, a Local Public Road. There are five (6) Specimen trees on-site, one (1) of which is proposed to be removed. Two (2) Specimen trees have been identified on the adjacent property (Parcel 51) and are shown for informational purposes. These two trees are also in poor condition and present a hazard given the height of the trees and the substantial dieback of the limbs. See locations shown on the Site Development and Sediment/Erosion Control Plan, Sheet 2 Site Development Plan SDP 20-010.

Specimen Tree Descriptions are as follows:

NO.	SIZE	SPECIES	CONDITION	NOTES	STATUS
ST 1	30.5"	Norway Maple	Good	Not Native	TO REMAIN
ST 2	32"	Norway Maple	Good	Not Native	TO REMAIN
ST 3	40"	Norway Maple	Good	Not Native	TO REMAIN
ST 4	32"	Norway Maple	Good	Not Native	TO REMAIN
ST 5	33.5"	White Pine	Good		TO REMAIN
ST 6	30.5"	White Oak	Fair	Limb Dieback	TO REMAIN*
ST 7	37"	White Oak	Fair	Limb Dieback	TO REMAIN*
ST 8	38.5"	White Oak	Fair	Limb Dieback	REMOVED

\*Specimen trees ST 6 and ST 7 are located on adjacent Parcel 51 and are not part of the Site Development Plan SDP 20-010. These two trees are also in poor condition and present a hazard given the height of the trees and the substantial dieback of the limbs.



Grove Angle Property Alternative Compliance Justification (continued)



ST 6 ST 7 ST 8: Evidence of limb dieback



ST 8 38.5" White Oak:  
Evidence of trunk rot and limb dieback





Grove Angle Property Alternative Compliance Justification (continued)



ST 8 38.5" White Oak:  
Evidence of trunk rot



ST 8 38.5" White Oak:  
Evidence of extensive trunk rot resulting in limb dieback



## Grove Angle Property Alternative Compliance Justification (continued)

The purpose of the Site Development plan which is currently under review is to construct a Single-Family Detached house for the property owner to replace the existing house which was in poor condition and has been demolished. Once the proposed house has been constructed, it is the intention of the property owner to subdivide the property into three buildable lots with access provided by a use-in-common driveway which will be an extension of the existing driveway entrance location at Grove Angle Road. An Environmental Concept Plan (ECP-19-059) has been reviewed and provides the basis for the future subdivision. The layout of the three proposed lots allows for the installation of a shared use-in-common driveway which will lessen the amount of paving required to provide access to the proposed houses. Consideration was given to the location of the proposed drive and it was determined that the optimum location was to run along the property boundary with adjacent Parcel 51.

The Specimen trees which were identified and classified by Eco Science Professionals Inc. and were field located by Fisher, Collins and Carter Inc. range in size from 30.5" to 40" and are distributed throughout the site. The Specimen tree; ST 8; a 38.5" diameter White Oak that had been identified for removal was determined on close examination to be in poor condition following storm damage and property owner Bill Mitchell was advised to remove the tree by his arborist. There were many dead branches on the tree and given its height, it was considered dangerous even without the possible impact of future construction activities. The remaining five (5) Specimen trees onsite will be preserved. Refer to the Site Development and Sediment/Erosion Control Plan, Sheet 2 - Site Development Plan SDP 20-010.

Justification for the alternative compliance to Section 16.1205 Forest Retention Priorities is as follows:

a. "Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations."

As stated above, there are six (6) specimen trees on-site. Five (5) of which are proposed to be retained. See locations shown on the Site Development and Sediment/Erosion Control Plan, Sheet 2 - Site Development Plan SDP 20-010.

The Specimen tree ST 8; a 38.5" diameter White Oak that had been identified for removal and is the subject of the Alternative Compliance petition was determined on close examination to be in poor condition following storm damage and property owner Bill Mitchell was advised to remove the tree by his arborist. There were many dead branches on the tree and given its height, it was considered dangerous even without the possible impact of future construction activities. From a practical standpoint, this Specimen tree was in decline and would present a hazard to future residents and neighbors regardless of the location of the proposed driveway or future use-common driveway. Based on the condition of the tree, the property owner had the tree removed while he had equipment onsite as part of the demolition of the existing house.

Should the Regulations be strictly enforced, for the above-mentioned reasons, it would create an unwarranted hardship for the property owner to develop this site in accordance with Howard County Zoning and Subdivision regulations.

b. "Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal."

The intent of these Forest Retention Priorities is that large good quality native trees be a priority to be retained but gives leeway for them to be removed. In the case of this site, five (5) of the six (6) existing specimen trees onsite will remain. Although four (4) of the Specimen trees to remain are non-native, they are all in good condition, are well located and provide screening and privacy for the adjacent properties. From a practical standpoint, this Specimen tree was in decline and would present a hazard to future residents and neighbors regardless of the location of the proposed driveway or future use-common



Grove Angle Property Alternative Compliance Justification (continued)

driveway. (See included photographs). There will also be a substitute planting of two additional tree for the Specimen tree.

c. “Substantiate that approval of the alternative compliance will not be detrimental to the public interests.”

The Specimen tree which has been removed due to its condition will be replaced with two trees and perimeter landscaping will be provided at the time of subdivision and that will supplement the existing trees being retained. For this reason and given the poor condition of the existing tree mentioned above, it would not be detrimental to the public interest to remove the specimen tree specified.

Site Development and Sediment/Erosion Control Plan, Sheet 2 - Site Development Plan SDP 20-010. has been provided to aide in the review of this Alternative Compliance Application. As such, approval of this alternative compliance should not be detrimental to the public interest.

d. “Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.”

The removal of the referenced Specimen Tree on this site is particular to the development on this property which is limited by the condition and location of the Specimen tree (see included photographs showing condition of tree), so it should not be a nullification of the intent of the Regulations.

W.O. 19008-3001

